
| RESEARCH ARTICLE

Walking into the Philippine Legislation: An In-Depth Analysis of the Daughter Clause of Article 247 of the Revised Penal Code

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| ABSTRACT

Article 247 of the Revised Penal Code is the Philippine version of honor-based legislation. This study aimed to analyze and examine the daughter clause of the article. The study delved into the legislative intent behind this Article as well as its conformability and harmony with the Constitution, international conventions and treaties, and local legislations through the blackletter methodology. By the use of a socio-legal method, it also examined the contestations on its implications specifically its justness and contemporaneous aptness. Furthermore, it assessed the repercussions it poses to minor daughters and the measures that should be taken to address the quandary of the Article. The findings showed that Article 247 is rooted in the principle of *patria potestas* and it does not conform with international obligations, municipal laws, and the Constitution. Its constitutionality was reviewed in accordance with the equal protection clause and the discriminatory classification of daughters. Since questions of its constitutionality remain as an argument due to the lack of *locus standi*, legislative measures are recommended to be pursued. It also reflected that as per the experts' responses, Article 247 is unjust, archaic, and discriminatory to minor daughters. Moreover, the Article was found to reinforce patriarchy and the barbaric nature of medieval times which is not attuned to the current societal norm and civilized community. As reflected from the data, Article 247 has no place in the statutes of the Philippines, and should therefore be repealed.

| KEYWORDS

Honor legislation, Revised Penal Code, Article 247, archaic laws

| ARTICLE INFORMATION

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1. Introduction

1.1 The Problem and Its Background

What draws the line between saviors and savages? How do we balance tradition and human rights?

In the Philippines, The Revised Penal Code, enacted in 1930, has provided for the enforcement, application, and provisions regarding offenses and felonies. Under the code, heinous crimes like parricide and murder carry a sentence of the death penalty. Yet an archaic provision still exists under the same code, which justifies killing or inflicting harm to a spouse or a minor daughter, under the guise of family honor (Philippine Commission on Women, 2020). As Article 247 provides:

"Art. 247. Death or physical injuries inflicted under exceptional circumstances. — Any legally married person who having surprised his spouse in the act of committing sexual intercourse with another person, shall kill any of them or both of them in the act or immediately thereafter, or shall inflict upon them any serious physical injury, shall suffer the penalty of *destierro*.

If he shall inflict upon them physical injuries of any other kind, he shall be exempt from punishment.

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These rules shall be applicable, under the same circumstances, to parents with respect to their daughters under eighteen years of age, and their seducer, while the daughters are living with their parents.

Any person who shall promote or facilitate the prostitution of his wife or daughter, or shall otherwise have consented to the infidelity of the other spouse shall not be entitled to the benefits of this article."

The sentence meted by the harming spouse or parent is *destierro*. This is not meant to be a punishment, but rather to remove the murdering spouse or parent from the area and shield him or her from retaliation, primarily from relatives of the murdered spouse or child (People v. Luaron, C.A. 57 O.G. 7367). This means that the offender is merely penalized for entering a location designated by the court, a 'no penalty' given despite the gravity of the crime.

The Supreme Court in People v. Gonzales (1939), has characterized Article 247 as a provision that exempts the accused from punishment and not as one that elucidates a felony. Further, it grants the harming spouse or parents, the benefit of the presumption that he or she "would be acting in a justified burst of passion".

This is, however, contrary to the rights vested to Filipinos in the 1987 Constitution. As Art 3 Section 1 states, "No person shall be deprived of life, liberty, or property without due process of law." It then deviates from the state policy of preventing individuals from taking the law into their own hands.

It further infringes on the benefits and rights provided to women and children in Republic Act No. 9262 otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" and Republic Act No. 7610 or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act." On the statutes mentioned, violence against women is penalized and children are given extensive protection against excessive corporal punishment.

The said Article is a Philippine version of honor killing, understood to be one honor-based legislation. According to Vitoshka (2010), honor legislation is grounded on the honor-shame complex, which states that "the aggressor's sense of identity or failing is based on the behavior of another." Throughout this complex, honor is viewed through the lens of the harming individual as a motive that drives men to kill for petty, unreasonable, or backward reasons.

Moreover, laws must be of common observance and social benefit (Dascil, 2013). As recognized in the daughter clause of Article 247 of the Revised Penal Code, honor-based legislation gives the idea that female children are of less value than male children, who are given more prerogative and worth in the family. Allowing parents to inflict harm on a minor child in the said "exceptional circumstances" disregards the long-established principle of promoting the best interests of children.

The study delves into the motivations behind this provision and addresses its roots anchored in culture. It draws attention to the implications of the practice, specifically its equitability and contemporaneous aptness.

Power in the light of specifically having the capacity to unilaterally influence the interests of others is pervasive in a society where there is information asymmetry. The exercise of authority that is socially objectionable by both the general public and the ruling elites must be regulated through governance. Bowles (1998), in his study of cultural consequences, has emphasized that "where contracts are incompletely specified or costly to enforce, the ex-post terms of an exchange may depend on the normative commitments and psychological makeup of the parties to the exchange."

This shows that cultural dispositions, which have an impact on people's normative commitments and cognitive set, play a significant impact in influencing governance. While societies' need for governance is universal, it is also understood that with the changing culture and differences, governance systems should vary depending on the culture. The prevalent cultural attitudes in a community should conceptually be in line with governance as it gives the wielding power to its people (Roland, 2004). Moreover, conforming to the necessity for systemic consistency, societies that highlight the importance of individuality, adaptation to culture, and equality are more probable to influence norms that support societal transparency as a way of social integration (Licht et al., 2005).

1.2 Preliminary Survey

1.2.1 Quantitative

In order to establish the claim that there has been a shift in the cultural views of Filipinos in relation to Article 247, the researchers conducted a preliminary survey that would substantiate the claim. Out of 250 Filipino citizen respondents, coming from three generations, namely Generation X, Y, and Z, with an age range of 16 - 57 years old, a questionnaire was deployed. The questionnaire is modified from the model of the Circular Motivational Continuum of the Values in the Repository of Value Instruments, which

measures basic attitudes and beliefs along with their changes. The administered survey has clearly reflected the change in values of Filipino citizens with regard to topics of benevolence, universalism, self-direction, hedonism, power, conformity, and security.

1.2.2 Qualitative

Moreover, an interview was conducted with the same range of age groups to deduce their opinions and personal experiences in regard to the practices of the society we live in today, in support of the quantitative data that has been conducted on the early stages of the research. The 12 respondents, with three individuals from each generation category, from the interview, are within the four generations: Generation X, Y, Z, and Baby Boomers. They are between the ages of 11-77, widening the scope of respondents with regards to their age, to further enrich the study and understand if there is a shift of cultural concepts through time. The questionnaire is modified from the Canadian International Development Agency on Culture, Gender Equality, and Development Cooperation by Shalkwyk (2000). This encapsulates and reviews the respondent's beliefs and practices which they deem appropriate to the society's culture.

Law is essential in society because it serves as a standard of conduct for citizens. It was to provide reasonable guidelines and order on the conduct of all citizens and maintain the equity of the three branches of government (Morrison, et al., 2015). It is what keeps society running. Without law, there would be anarchy, with the survival of the fittest and everyone for himself. For the most part, this is not an ideal way of life. The law is significant because it serves as a guideline for society's acceptable behavior.

Liberty and quality of justice are threatened if there is no re-evaluation of existing laws, if there is resistance to the pace of progress, and if there is a failure to adapt to the dynamic nature of the order. For the world does not stand still, as the law of life is nothing but change. A nation dwelling only on the past is bound to miss the future.

1.3 Background of the Study

The basis for the freedom to live in dignity is enshrined under Article 2 Section 11 of the 1987 Philippine Constitution, which guarantees that "the State values the dignity of every human person and guarantees full respect for human rights." Moreover, Article 3, Section 1 provides that "no person shall be deprived of life, liberty, or property without the due process of law." Thus, there will be no rule of law integrated into societies unless human rights are safeguarded, and vice versa, human rights cannot be guided in societies unless the rule of law is strong and effective.

Additionally, Section 12 of the Republic Act 9710 or the Magna Carta Women (MCW) supplies for the amendment or repeal of laws that are discriminatory in nature to women which, among other things, include Article 247 of the Revised Penal Code as well. In regards to the daughter clause, Republic Act. 7610 or the Special Protection of Child Against Abuse, Exploitation, and Discrimination Act provides that,

"The best interests of children shall be the paramount consideration in all actions affecting them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies. Every effort shall be made to promote the welfare of children and improve their chances for a useful and happy life."

These foundational provisions of frameworks are complementary laws with a shared objective: the conservation of its constituents' condition of living, well-being, and dignity. It serves as a vehicle for promoting and defending the dignity of life through the rule of law. It further provides that the administration of power is subject to concurred rules, ensuring the safeguarding of all individual rights.

The presence of an honor-face-dignity culture framework deployed on legislation suggests that honor is vested in the core of managing relationships, whether spousal or parental one. It encroaches on aspects of defining self-worth and social order with the reason of nothing but familial honor (Leung & Cohen, 2011).

Supplementary to this is the stark reality that one's honor and social worth are heavily reliant on another's adherence to cultural norms and conventions stimulating a close bond between those involved.

Men are then considered accountable for women's behavior since their dignity is intrinsically tied to it as defenders of female values (Hussain, 2006). As a result, men have seized female activity in order to gain control over their own circumstances, consequently reducing women to their reproductive capabilities. Women end up losing their dignity on their own and are considered as the containers of dignity that a man possesses, hence essentially becoming his property (Madek, 2005; Hussain, 2006).

Social norms and ideals in honor cultures place a premium on female virginity and loyalty and consider them as issues that affect men's reputations (Vandello & Cohen, 2008). The ability of a father to maintain dominance over female family members is regarded

as a vital attribute of the father's notoriety, as highlighted when the provision pertains to only the "daughter" and has not included the male counterpart. The same study implored further that adultery is the ultimate act that hurts the male legacy and reflects very poorly against himself, his family, and sometimes even the community.

Moreover, in *honor* customs, pre-dominantly existing in the Spanish colonization of the Philippines, self-worth is highly dependent on the perception of others with regard to his reputation (Buss & Duntley, 2011). In order to protect their reputation against insults or other threats, they frequently ought to respond violently. People are concerned with safeguarding not only their own reputations but also the character of those who are close to them because one's reputation is influenced by the environment around it. People are therefore hardwired to zealously protect their reputations, hence laws were tied to it to assure application.

Individuals from honor cultures viewed a woman's adultery as a negative reflection of her husband's standing and virility, as discussed by the cross-cultural studies done worldwide (Dietrich & Schuett, 2013; Vandello & Cohen, 2003; Vandello, Cohen, Grandon, & Franiuk, 2009).

A study made by Button (2008) stated that due to internalized patriarchy, the male relative ensures that his family remains honorable by obeying social norms and maintaining a "clean" image. This is why honor killing has been worked into laws, consequently resulting in honor-based legislation.

Honor killing in honor-based legislation has been perceived as a punishment for a spouse who has "betrayed the efforts and offended the honor of the other" because of the expectation of investing oneself to the other in the relationship. While minor "daughters" who are sexually active are punished for being disobedient, and not following customs, culture, and religion (Button 2008; Madek 2005). By doing this, she displeases not just her spouse but also her community because, in tribal societies, a person is only regarded as a member of the group to which they belong.

1.3.1 Evidence in the Change of Culture

Cultural capital has been the long basis of humanity's views, standards, and values. As society progresses, these also transform (Cole, M. & Packer, M., 2019). Prior to pursuing the whole set of analyses, it is essential to show the existing shift in cultural norms for which Article 247 is anchored.

1.3.1.1 Quantitative

The researchers conducted a preliminary survey based on a study measuring cultural values from the Circular Motivational Continuum of the Values in Schwartz Value Theory by Lindeman and Verkasalo (2005). The questionnaire focused on the Filipino values of benevolence, universalism, power, conformity, hedonism, security, and self-direction.

It is ensured that ethical considerations are considered and a consent form was obtained from every respondent and included a section where parental consent is required, should the respondent be minor. Names are not disclosed, and the respondents were fully informed that their responses will only be utilized for fulfilling the study's objective and any publication related to this study.

The researchers conducted the survey on Filipino Citizens, as they are directly affected by these laws. The researchers collected 256 respondents from the preliminary survey. Out of the 256, there are 6 disqualified respondents due to incompetency for the required standards, thus garnering a final number of 250 respondents. The results are as follows:

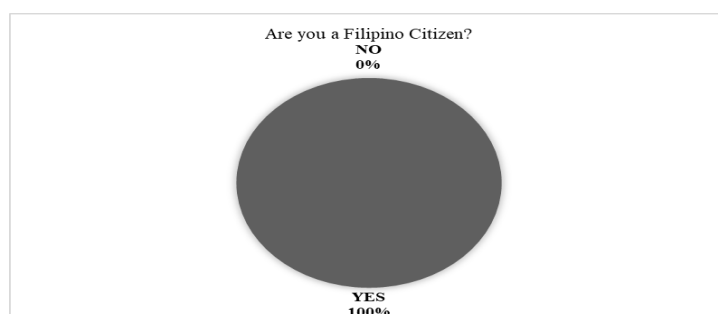


Figure 1. *Citizenship of the respondents*

The 6 disqualified participants (RES 97, 122, 148, 214, 227, 256) are removed from the survey.

Moreover, the age group of respondents is only ranging from ages 16 to 56, considering that this age group is now the current generation of parents and children as seen from the sample size below, the age of the respondents that answered the questionnaire:

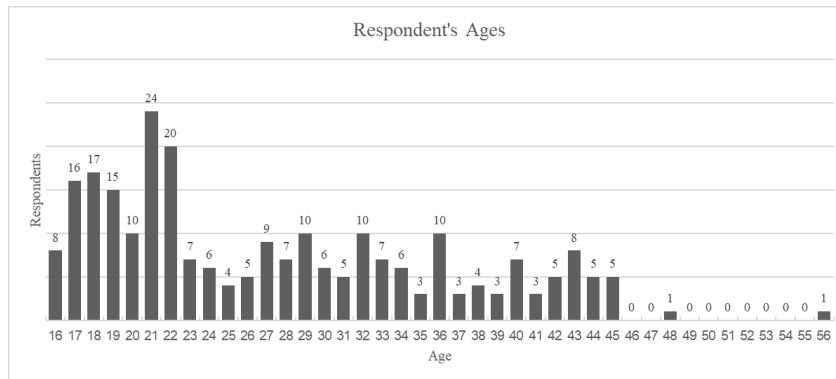


Figure 2. Respondent's Ages (Quantitative)

To find out if there has been a cultural shift, the researchers asked the following questions and garnered results as seen below:

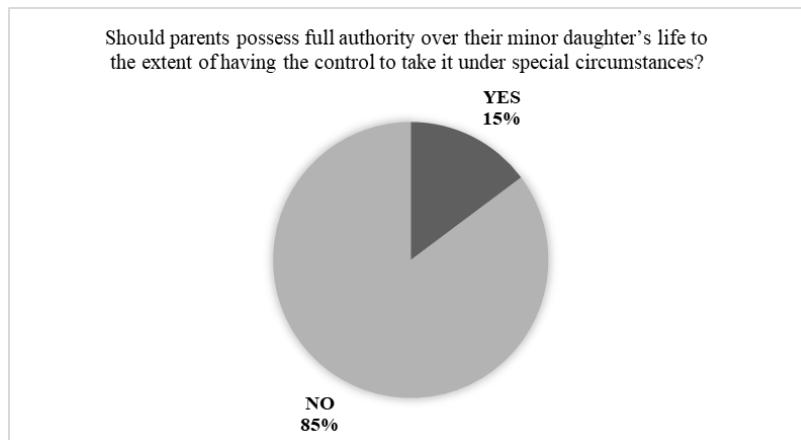


Figure 3. Question No. 1

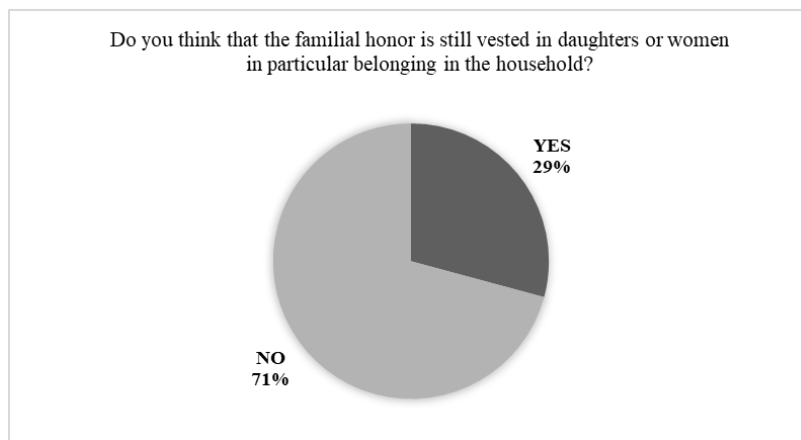


Figure 4. Question No. 2

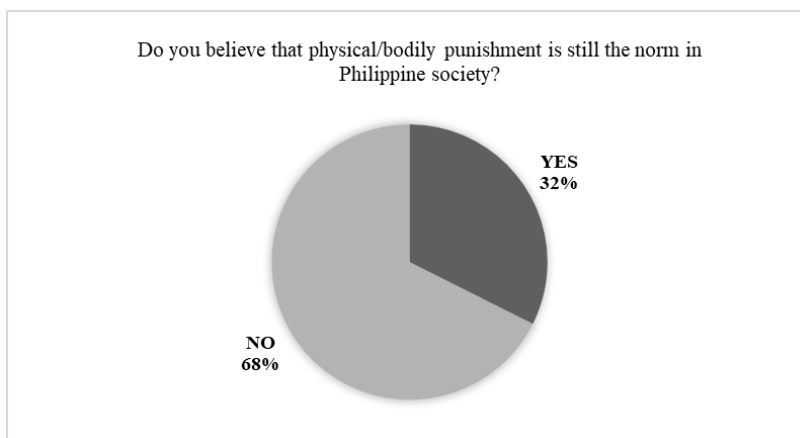


Figure 5. Question No. 3

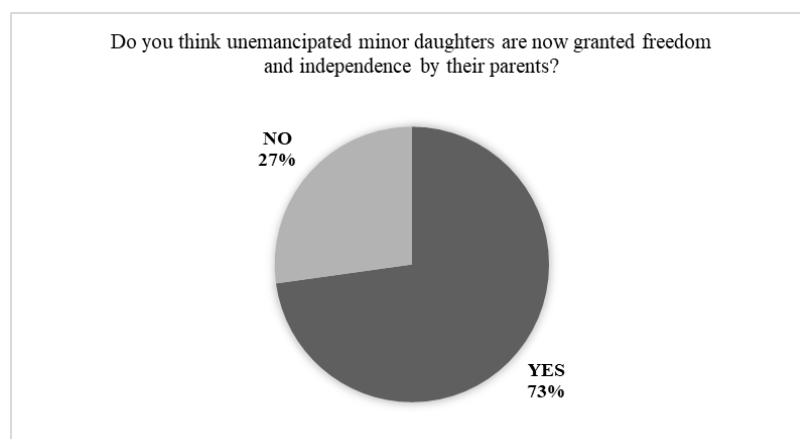


Figure 6. Question No. 4

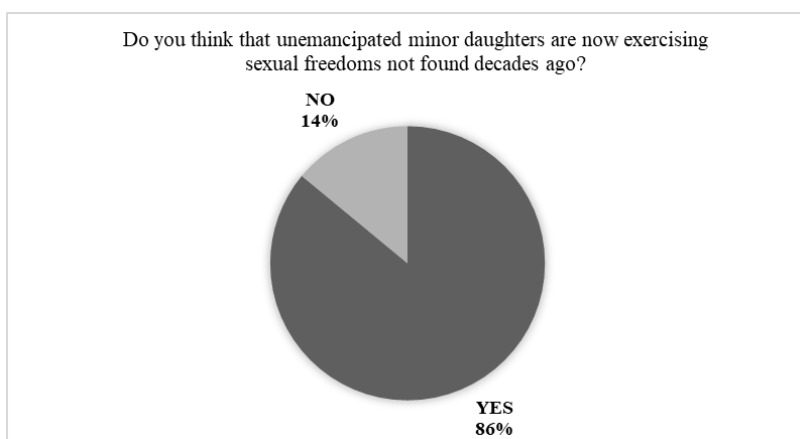


Figure 7. Question No. 5

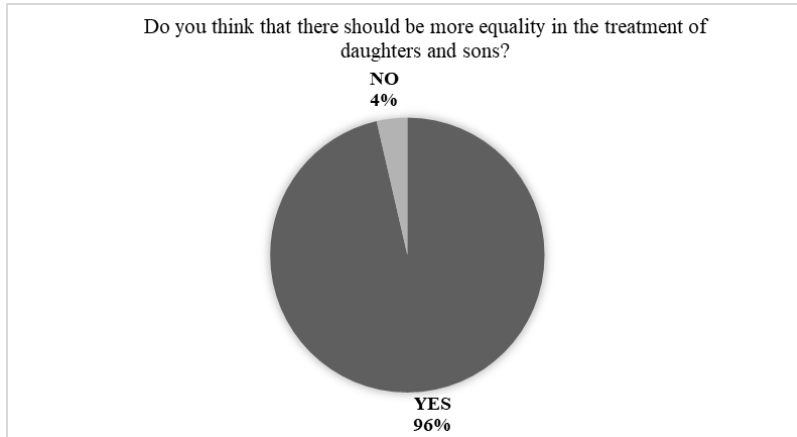


Figure 8. Question No. 6

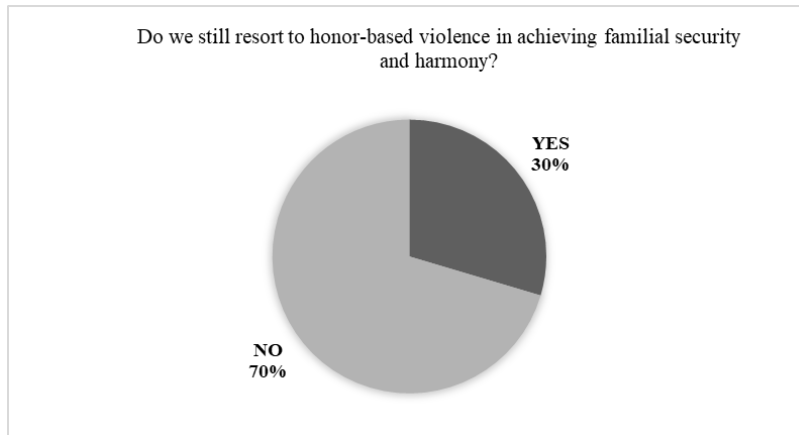


Figure 9. Question No. 7

The results signify that there has been a certain cultural shift of perception among the 250 research participants. Shown in Figure 9, 70% of the participants believe that our society today does not resort to honor-based violence as a means to achieve familial security as before. As it stands, Figure 5 shows that 68% believe that bodily punishment is not a norm anymore in the country.

Furthermore, 85% of the participants believe that parents do not have complete control over their minor daughters, unlike before, as seen in Figure 3. 71%, as seen in Figure 4, believe that familial honor is not vested in minor women, advancing from the set of values before. In Figure 6, 73% of the participants believe that minors are now granted much more freedom than in the context before. Lastly, Figure 8 shows that 96% of the participants believe that there must be equality between daughters and sons.

1.3.1.2 Qualitative

In support of the quantitative aspect of the preliminary survey, the researchers also conducted a preliminary survey modified from the Canadian International Development Agency on Culture, Gender Equality, and Development Cooperation by Shalkwyk (2000).

This encapsulates and reviews the respondent's beliefs and practices which they deem appropriate to the society's culture.

Every respondent's consent was requested, ethical considerations were taken into account, and a section requesting parental approval was included if the respondent was a minor. The respondents were explicitly advised that their answers would only be used to accomplish the study's goal and support any publications relating to this research, and names are not released.

The researchers conducted the survey on Filipino Citizens, as they have lived through the vital generation where culture has evolved slowly. The researchers collected 12 respondents, 3 from each generation Z, X, Y, and Baby Boomer respectively. They are between ages 11-77, a wide age range to evaluate the shift of culture. The results are reflected below:

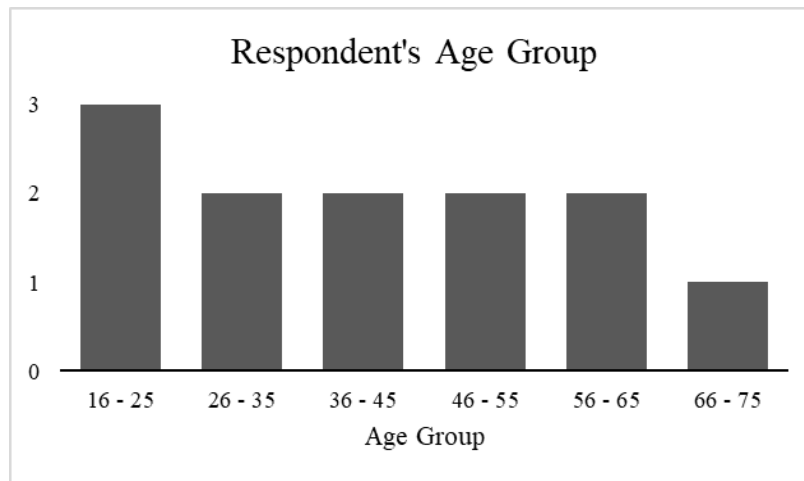


Figure 10. Respondents' Ages (Qualitative)

1.4 Are cultures and traditions over familial honor vested in daughters and/or women unchanging? If it is "cultural," is it unquestioned?

To determine whether culture and tradition concerning familial honor are still vested in today's society, eight themes have been generated from the survey questionnaires answered by the different generations today.

The answers revolved around how cultural changes come from different factors and how change is manifested through rising above patriarchy. It also derived from how familial honor no longer discriminates against gender and questions oppressive customs and culture.

It is reflected that the emergence of globalization increased the exchanges of cultures and ideas of one another. As expressed:

"As a result of globalization, Filipinas were finally able to break out of their social alienation. So no, the cultures and traditions over familiar honor conferred in women are not immutable." - **Generation Y**

As the respondents mentioned, it was emphasized that the right to freedom of expression, where people were able to voice out their beliefs freely, has made an impact on society. It also highlighted the importance of legislation in the decision-making for the welfare of the people. As stated:

"It debunks a patriarchal society and fights for gender equality and women's rights, as shown in activist groups and the laws mandated by the government for the benefit of women." - **Generation Z**

"Now, women are viewed, in many areas, as equally capable of doing things that traditionally were viewed as things that can only be done by men. This is due to the unwaivered fights towards gender equality." - **Generation Y**

As time passes by, cultures are affected by connection with different societies. This has inhibited -or may even produce- the social and cultural shift we can see today. It was stressed that there had been a significant shift ever since, as illustrated below:

"Buhay na ako mula pa sa tradisyunal na pananaw, at inabot ko rin ang mga pagbabago sa kultura. Malaki na ang nagbago, kaya naman hindi masama kwestyunin ang mga nakasanayan na." (I grew up in the traditional way of life, where I was able to see the change in culture. A lot has changed, that's why it's not wrong to question what we are used to.) - **Baby Boomer**

It has also been evident that society is already challenging the dominant political, social, and cultural idea that masculinity is over everything. Patriarchy encourages male dominance and power, aggravating the structure of categorizing men and women.

"Women are no longer cowed into submission out of fear of reprisal in today's culture. They may now fight for what is rightfully theirs and assert their standing within the patriarchal society of the Philippines." - **Generation Y**

Moreso, the critical aspect of society is culture. The change in culture means each generation adds its own distinctive elements through time. Members of society continuously try to make sense of their surroundings. Hence, questioning it is the foundation

of change.

Today, respondents state that familiar honor lies in every member of the family. This is an abstract idea perceived to be the quality of worthiness and respectability of a certain circumstance. The respondents of this interview illustrated that an exchange of ideas that have been made from different societies had evolved the concept of family honor.

“Dati ang karangalan ng pamilya ay kung maayos ang iyong mga anak na babae. Ngunit habang tumatagal, lahat ng miyembro ng pamilya ay maaari nang magdala ng dangal pati ang mga anak na lalake. Pati ang mga magulang ay kasali narin sa pinagbabatayan ng dangal.” (Before the honor of the family is reliant if the daughter is orderly. However as time passes by, all the members of the family can bring honor to the family already, even the sons. Even parents are also included on the basis of family honor.) - **Baby Boomer**

It can also be seen through a respondent that compliance to tradition is different from the older and younger generation's perception. Due to the increasing knowledge of the younger generation, they tend to be more critical of their surroundings, paving the way to a more inclusive and accepting society.

“There are double standards vested upon women in virtually all aspects of Filipino familial life. They tend to go with the norm and in my family's eyes it's as if they can do no wrong or harm.” - **Generation Z**

The advancement and easier access to knowledge can reveal the existence of destructive systems and may be critically examined. Those with adverse consequences may be deemed inefficient, and developments may be made. Questioning is in the early stages of tolerance. These will always be questioned until everything is well adapted to today's society.

“It is important to note that since it is still in the process, it is still not fully experienced by everyone. Our society is still in the first stage of change, which is tolerance. We still have a long fight towards acknowledgment, acceptance, and empowerment.” - **Generation Y**

1.5 Should daughters be granted development initiatives in attaining freedom and independence from their parents?

With the existence of various laws that aim for equality among genders, the state must recognize vulnerable sectors to maintain and strengthen the implementation of laws. These vulnerabilities may be determined by social factors experienced and will be experienced by a minority. Recognizing these and adapting to an innovative approach may help reduce inequality experienced by, in the same vein, the daughter.

Based on the respondents' answers, it centralized on nine themes. The respondents discussed that initiatives should be holistic and progressive, developments are subject to restraints, and focusing on women in minority groups while remaining abreast with the cultural changes is equally beneficial for women.

It was mentioned that Initiatives are the first step toward making change. This creates endless opportunities and the ability to be resourceful in what you have and can do. Developments will come easy when initiatives are made possible by taking action.

A proactive approach to dealing with advances raises the opportunity for change and better life; as stated:

“If a daughter is too dependent on her parents, she grows hesitant and doubtful of herself. Thus, development initiatives must be granted so every daughter can grow into a well-rounded citizen of the country.” - **Generation Z**

Furthermore, respondents stress that education enhances the development of society through expanding and growth in one's knowledge. It plays a vital role in equipping children with the basic knowledge important to managing one's life. Minors still depend highly on others to meet their needs (Bagattini, 2019). Having an informed and educated minor would help them navigate their life better.

“We should put sex ed to the table so that our kids are informed, because what we don't want is unwanted pregnancy. Hopefully this will be mitigated by sex ed.” - **Generation X**

The process that ensures a quality of life for both genders promotes harmony and satisfaction of needs and improves society. Having more advances for women does not necessarily mean lesser advances for men. The call for development is for the improvement of the citizens in society. Stereotypes evident in a society slows the progress of development, leading to more discrimination and perpetuating more inequality. Developments should analyze and focus on internal and external factors.

A respondent stated that states must also consider focusing on the minority to appropriate their needs better.

“It is about high time to break through stereotypes that may put a disadvantage to daughters through developments” - **Baby Boomer**

“The development efforts that aim to give women freedom and independence before the age of 18 should be carefully planned, as these girls are not yet of ripe mind. Such measures will need to be verified by the appropriate experts.” - **Generation Y**

However, freedom and independence in this sense are still subject to constraints. It is not absolute, and minors are still subject to their parents' or guardians' care and guardianship. The struggle for autonomy and liberation must not be harmful.

“Lalo na bilang magulang, nais kong magkaroon ng kalayaan ang aking mga anak. Pero ang pagiging independent ay hindi parin buo, sapagkat dapat ay kailangan parin nila ng gabay.” (Especially as a parent, I want my children to have freedom. But their independence is not whole because they still need guidance.) - **Baby Boomer**

Yet, according to a respondent, freedom and independence may only be acquired through the age of majority

“Daughters like sons should be given full freedom and independence only when they attain the age of majority.” - **Generation X**

Lastly, a respondent also stressed that developments must be done to keep up with today's culture and needs.

“These days it's hard to stay traditional since we have to adapt to the changes of the world. There are more equal opportunities today compared before but there are still hindrances for women. That's why I think women must be given then chance to have more freedom and independence during their early stages.” - **Generation Z**

1.6 Is honor-based violence still the culture in the Philippines?

Honor-based violence aims to punish violations of any of the social, religious, and family standards. The country's culture has tolerated this act as this is their way of bringing back honor and dignity that was once lost. Despite being destructive and violent, the respondents believed that it was once the culture of the country and that as time progressed, it is now highly criticized.

This generated six themes that revolved around the recognition of the existence of the tradition of corporal punishment, its consequences, and the change in culture. According to a respondent, the established tradition is still apparent in today's society due to the influence of time. Despite being destructive, Filipinos tend to do what they are “used to”, and if the norm is disregarded, they are subject to further violence.

“The sad truth is most elders raise a child to become someone they believe is ideal. This is why a child who fails to live and fulfill the expectations of his guardian receives violence - physical, verbal, or psychological. In the Philippines, honor-based violence is still a culture, as most Filipino elders are shaped by old-fashioned beliefs that contradict today's beliefs.” - **Generation Z**

“For example, an elder reprimands a girl not to engage in sexual activities, especially intercourse, as the elder believes that virginity is the best gift a woman can give her husband. So, if the elder knew that the minor woman engages in sexual intercourse, the elder feels embarrassed for himself, his family, and the minor; thus, the minor experiences further violence.” - **Generation Z**

Furthermore, respondents believed that traditions exist until a point in time. With the new exchanges of ideas and further developments, it is now seen to have adverse effects and is now being criticized. It is said to impose dominance and maintain the honor they naturally have. Hence, honor-based violence continues to decrease. In protection of familial honor, resort to other forms of consequences should be done

“As our society progresses, honor-based violence continues to decrease. This has been the trend in our world history when a state progress both in economical and educational aspect.” - **Generation Y**

“Dati palo at sinturon ang haharapin mo at kulang pa nga ay itakwil ka ng magulang mo kapag ikaw ay nagloko at pinahiya mo ang apelyido nila. Pero ngayon mas maintindihin na ang mga magulang at hindi na nananakit, maganda itong pagbabago. Sabi nga sa akin ng aking asawa, kung masyadong bata pa ang bata ang iyong anak para intindihin

kung bakit mo sya sinasaktan, gamitan mo nalang ng pangaral. Kung matanda na sya at nakakaintindi ng pangaral, bakit mo pa kailangan saktan?” (Before, when you do something wrong, your parents hit you. But now the parents are more understanding and don't hurt anymore, this is a good change. My husband told me, if your child is too young to understand why you are hurting him, just use admonition. If he is old and understands where he went wrong, why do you need to hurt him?”) - **Baby Boomer**

1.7 Should a minor woman engaged in sexual activity be subjected to bodily punishment from their parents to the extent of suffering serious physical injuries?

Despite the long-standing tradition and customs in the Philippines regarding the chastity of women, a survey by the Philippine Statistics Authority revealed that one in five young adults has already initiated sexual activities. It has become common for young women with less education and poorer households (Recide, 2014). This reveals the movement of young women into a more sexually liberated society, and if they breached the tradition on how women should act – the article gives it authority to injure the child.

Corporal punishments with aims of discipline, especially in correlation with honor and dignity has viewed by many to have negative effects on children. This gives minor women mental and emotional trauma, leading to depression, displaced anger, and aggression. This teaches children that violence is an acceptable behavior. This perpetuates the imitation of an adult's bad behavior. Respondents believed that corporal punishment such as mental, physical, and emotional abuse is not morally right and justifiable. The traumatic effects add to the physical pain of a child and sexual activity does not justify the infliction of physical injuries, just because it is tolerated in our culture. As stated by the respondents:

“In this modern age, in no way is it ethical to take the life of anyone, much less your daughter.” - **Generation Y**

“Bilang isang kristyano at ama, masakit malaman na nakikipagtalik ang iyong batang anak na babae. Ngunit, bilang kristyano at ama muli, hindi dapat saktan ang kapwa mo, lalo na ang iyong mga anak.” (Being both a Christian and a Father, it hurts to know that your daughter is already having sexual intercourse. However, using the same premise as a Christian and a father, you should not hurt others, especially your children) - **Baby Boomer**

“I think parents should not be allowed to harm their daughters when caught engaging in sexual activity. It is still a crime to hurt people. This is part of Filipino Culture and Tradition that must be corrected.” - **Generation Z**

Additionally, respondents believed that positive reinforcement from the parents could be an alternative and that there are different consequences that they may resort to other than physical punishments. There are other ways to show honor and respect to children without laying their hands on them. Respondents also believe that a child who is still developing and not mature enough to understand a situation must only be subjected to education and not abuse. They firmly believe that discipline must be more transformative than punitive. As expressed by the respondents:

“No. sex is natural, as a parent, I would rather educate them with safe sex than punishing them.”
- **Generation X**

“Further, discipline should be transformative rather than punitive.” - **Generation Y**

“No but I would not give them inheritance and financial support the day they turn 18.” - **Generation Y**

“Parents must adapt on ways to create a safe space on their children.” - **Baby Boomer**

“Certainly, the child would grow distant and afraid of her parents as the physical harm she received is forever embedded in her mind. The child might also be rebellious. To avoid this, the parent must talk to his child properly to speak one's mind and enlighten her about the matter. Through this, the parent-child relationship is strengthened, and the child can contemplate the matter.” - **Generation Z**

In my experience, I was 13. What was I supposed to know. I was a child. The conversation should end there. ” - **Generation Z**

1.8 How is gender related to culture? Do you think that there should be equality in the treatment of men and women/ sons and daughters?

Gender has always been a critical aspect of culture since it has shaped the way of life, creating a distinction between what men

and women must and should not do. The responses generated six themes centered on the correlation of gender and culture due to history, the promotion of the equality of rights between genders, and their nature. This culture has brought about many influences from civilization that either colonized the country or globalization.

As stated by a respondent:

“Gender and culture are brought by the Spaniard's influence, the Philippines became a patriarchal and Catholic society. This is why men receive more opportunities, recognition, and respect; some individuals believe being a member of the LGBTQA+ community is taboo.” - **Generation Z**

“Gender and culture are intertwined in such a way that if a country's social and cultural environment is predominantly patriarchal, women are subjected to discrimination and inequality to a far greater extent.” - **Generation Z**

Moreover, equality in the treatment of men and women through time has developed to be more inclusive and equitable. They believed that genders must be afforded the same rights and privileges and that the distinction of genders due to nature and culture must be more comprehensive with the basic needs of each. They stated that this society is slowly moving forward, toward a progressive future. As a respondent mentioned:

“Society must progress and honor equality among all. One's age, gender, and race should not be a reason to be treated indifferently. As stated in Article 3 Section 1 of the 1987 Constitution, No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. Therefore, society's beliefs must not be a reason for a person to experience inequality; rather, society must be a way for every person to achieve this right.” - **Generation Z**

“Filipino culture is still related to gender. There should be equality among sons and daughters. However, there are matters that cannot be given equally by reason of gender.” - **Generation X**

It also talked about the culture reformation, where a progressive culture now recognizes gender equality and focuses more on the vulnerable sectors that experience injustices. Nonetheless, moving towards a more accepting society will go a long way. Focusing on the more vulnerable sector and taking an initiative is the first step in achieving this modernized future.

“Our culture dictated what a specific gender must do. but, it is already changing. there should also be equality to both sons and daughters I don't think any parent would want to have one discriminated with another, as both are equal.” - **Generation X**

“The “equality” we want between the genders has already travelled a long road, but it has not reached its peak yet, and there are still many things that are needed to be done to fix the perception of the society in general regarding women.” - **Generation Y**

CODE	THEME	QUOTATION
QUESTION 1:		
Are cultures and traditions over familial honor vested in daughters and/or women, unchanging? If it is “cultural”, is it unquestioned?		
Cultural changes come from different factors	Changes are a result of globalization	“As a result of globalization, Filipinas were finally able to break out of their social alienation. So no, the cultures and traditions over familiar honor conferred in women are not immutable.” - Generation Y
	Changes are a result of citizen movement and legislation	“It debunks a patriarchal society and fights for gender equality and women's rights, as shown in activist groups and the laws mandated by the

		<p>government for the benefit of women.” - Generation Z</p> <p>“As time progress, culture and traditions change. If it is viewed as discriminatory, there are advances from the government to improve.” - Generation X</p> <p>“Now, women are viewed, in many areas, as equally capable of doing things that traditionally were viewed as things that can only be done by men. This is due to the unwaivered fights towards gender equality.”</p> <p>- Generation Y</p>
	<p>Time has changed culture and the way of thinking</p>	<p>“Buhay na ako mula pa sa tradisyunal na pananaw, at inabot ko rin ang mga pagbabago sa kultura. Malaki na ang nagbago, kaya naman hindi masama kwestyunin ang mga nakasanayan na.” - Baby Boomer</p> <p>“I think it changes over time. Parang sa panahon ngayon nakikita mo siya na nagbabago dahil parang iba na yung way of thinking ng mga tao and it shows din na women have more voice in the family compared before.” -Generation Z</p>
<p>Change is manifested through rising above patriarchy</p>	<p>Fighting against patriarchal standards</p>	<p>“Women are no longer cowed into submission out of fear of reprisal in today's culture. They may now fight for what is rightfully theirs and assert their standing within the patriarchal society of the Philippines.” - Generation Y</p> <p>“Due to the colonization of the Spaniards, the Filipinos became a patriarchal society. Thus, men are given more opportunities, recognition, and respect. Despite this influence instilled among the Filipinos, the Philippine society is progressing.” - Generation Z</p>
<p>Change is constant</p>	<p>No one thing is not susceptible to questioning</p>	<p>“Even though these vested honors are cultural or traditional, it is susceptible to questioning.” - Generation X</p> <p>“Like any other thing in this world, culture changes. If there is one thing constant in this world, it is change.” - Generation X</p>

<p>Familial honor no longer discriminates against gender</p>	<p>Honor is now vested in the whole household</p>	<p><i>"Honor is now found in every person, and if the family wants to attain honor, it should be reflected by everyone in the household. Not just women, not just daughters, but even male figures."</i> - Generation X</p> <p><i>"Dati ang karangalan ng pamilya ay kung maayos ang iyong mga anak na babae. Ngunit habang tumatagal, lahat ng miyembro ng pamilya ay maaari nang magdala ng dangal pati ang mga anak na lalake. Pati ang mga magulang ay kasali narin sa pinagbabatayan ng dangal."</i> (Before the honor of the family is reliant if the daughter is orderly. However as time passes by, all the members of the family can bring honor to the family already, even sons. Even parents are also included in the basis of family honor.) - Baby Boomer</p>
<p>Questioning of oppressive customs and culture</p>	<p>Elders perceive tradition as a hard rule but younger generations question are more critical about it</p>	<p><i>"There are double standards vested upon women in virtually all aspects of Filipino familial life. Speaking from experience, I am expected to excel more in life to "balance out" my rebellious or scandalous or bold personality in the family. My brothers are behind in their career but everyone else is so kind and understanding to them because they are agreeable people. They tend to go with the norm and in my family's eyes its as if they can do no wrong or harm. Im also not allowed to go around dating men and god forbid I have a sexual relationship with another However!! My elders always joke around about my brothers "lamugin" their girlfriends."</i> - Generation Z</p>
	<p>Oppressive customs are subject to questioning</p>	<p><i>"People have always questioned it through the years in which developments have been made."</i> - Baby Boomer</p> <p><i>"It is normal to question customs, particularly if it may oppress them. through time, there has been initiatives like right of suffrage to women that breaks discrimination on women."</i> - Baby Boomer</p>
	<p>Questioning is in the early stages of tolerance</p>	<p><i>"It is important to note that since it is still on the process, it is still not fully experienced by everyone. Our society is still on the first stage of change, which is tolerance. We still have a long fight towards acknowledgement, acceptance, and empowerment."</i> - Generation Y</p>

QUESTION 2:		
Should daughters be granted development initiatives in attaining freedom and independence from their parents?		
Initiatives should be holistic and progressive	Initiatives should be done to promote development and produce better citizens	<i>"If a daughter cannot make her own choices and always depends on her parents, how can she stand up on her own when she is no longer a minor and needs to fulfill her civic and work duties? If a daughter is too dependent on her parents, she grows hesitant and doubtful of herself. Thus, development initiatives must be granted so every daughter can grow into a well-rounded citizen of the country." - Generation Z</i>
	Opportunity to attain the fullness of life should be worked into	<i>"Normal Filipinos especially girls should be given an opportunity for them to have a better life." - Generation Y</i>
	Education and information should be available to minors	<i>"We should put sex ed to the table so that our kids are informed, because what we don't want is unwanted pregnancy. Hopefully this will be mitigated by sex ed." - Generation X</i> <i>"The national government shall consider changing our education curriculum" - Generation Y</i>
	Both sexes should take practical approaches in promoting development	<i>"Not just women but for both sexes." - Generation Y</i> <i>"It should reflect more practical approaches and subjects that are actually applicable in real life environment." - Generation Y</i>
	Steps should be taken to break stereotypes	<i>"It is about high time to break through stereotypes that may put a disadvantage to daughters through developments" - Baby Boomer</i>
Developments are subject to restraints	Developments should be carefully planned considering that they are minors	<i>"The development efforts that aim to give women freedom and independence before the age of 18 should be carefully planned, as these girls are not yet of ripe mind. Such measures will need to be verified by the appropriate experts." - Generation Y</i>
	Freedom and independence should be granted, however, this is subject to a few constraints.	<i>"Of course daughters if they are minor, should still have supervision from their parents. But they should have enough liberty to express themselves so long as it does not put them in harms way. In expressing sexual liberation, we are in the 21st century and we should now move into talking about these things</i>

		<p><i>instead of hurting our children.” - Generation X</i></p> <p><i>“Lalo na bilang magulang, nais kong magkaroon ng kalayaan ang aking mga anak. Pero ang pagiging independent ay hindi parin buo, sapagkat dapat ay kailangan parin nila ng gabay.” (Especially as a parent, I want my children to have freedom. But their independence is not whole because they still need guidance.) - Baby Boomer</i></p> <p><i>“Daughters also have human rights. they must be free to enjoy their rights. it is part of life and it must be dealt within the parameters that must not harm them.” - Baby Boomer</i></p>
Only upon the age of majority	Freedom and independence may only be acquired through the age of majority	<i>“Daughters like sons should be given full freedom and independence only when they attain the age of majority.” - Generation X</i>
Focus on women in minority groups	Spotlight should be given to women in minority groups	<i>“I think it should also be focused on WOMEN IN MINORITY GROUPS!!!! because there are women too that can afford this for themselves, there are still financial and economic gaps in women depending on the background they come from.” - Generation Z</i>
Remaining abreast with cultural changes	Developments should be done to keep up with the change of culture	<i>“These days it's hard to stay traditional since we have to adapt to the changes of the world. There are more equal opportunities today compared before but there are still hindrances for women. That's why I think women must be given then chance to have more freedom and independence during their early stages.” -Generation Z</i>
QUESTION 3:		
Is honor-based violence still the culture in the Philippines?		
Existing traditions of corporal punishment	The tradition of corporal punishment still exists in the country.	<p><i>“For some families, such is the case. The long-standing tradition of corporal punishment is still apparent in some Filipino families. ” - Generation Y</i></p> <p><i>“The sad truth is most elders raise a child to become someone they believe is ideal. This is why a child who fails to live and fulfill the expectations of his guardian receives violence - physical, verbal, or</i></p>

		<p><i>psychological. In the Philippines, honor-based violence is still a culture, as most Filipino elders are shaped by old-fashioned beliefs that contradict today's beliefs.. " - Generation Z</i></p> <p><i>"Yes, I still firmly believe that honor-based violence is still in Filipino culture to protect the family reputation." - Generation X</i></p> <p><i>"Yes. I know some people who are punished for not fulfilling expectations in the family. May that be through physical abuse, verbal abuse, or emotional abuse. " - Generation Z</i></p> <p><i>"I think this still exists in some parts of the Philippines. " - Generation Z</i></p>
	<p>Filipinos are shaped by the culture of their ancestors, despite being destructive.</p>	<p><i>"For example, an elder reprimands a girl not to engage in sexual activities, especially intercourse, as the elder believes that virginity is the best gift a woman can give her husband.</i></p> <p><i>So, if the elder knew that the minor woman engages in sexual intercourse, the elder feels embarrassed for himself, his family, and the minor; thus, the minor experiences further violence. "</i></p> <p>- Generation Z</p>
<p>Change in culture</p>	<p>Tradition exists until a point in time.</p>	<p><i>"In our family it's not a thing now but when I was younger it was a norm."</i></p> <p>- Generation Y</p> <p><i>"Not anymore. i have seen changes through time and i never believed that violence is the answer to anything. i was raised by my parents through gentle environment and was able to apply it to my children." - Baby Boomer</i></p> <p><i>"No. As our society progresses, honor-based violence continues to decrease. This has been the trend in our world history when a state progress both in economical and educational aspect." - Generation Y</i></p>

	Violence is now criticized	<p>"not unlike before when I was younger. violence in all forms is now criticized by many." - Baby Boomer</p> <p>"Before yes, but now, some families evolved to soft-parenting. violence in discipline is viewed today to have more adverse effects." - Generation X</p>
Consequences of Honor-Based Violence	Honor-based violence imposes dominance	"Violence is still existing in the household, not because of honor. But because of tradition. Not because it defies honor, but because parents want to impose dominance. It is something that is slowly changing, compared from before. Because before even in classrooms, the teacher can hurt students. This is no longer true today." - Generation X
	In protection of familial honor, resort to other forms of consequences should be done.	<p>"Dati palo at sinturon ang haharapin mo at kulang pa nga ay itakwil ka ng magulang mo kapag ikaw ay nagloko at pinahiya mo ang apelyido nila. Pero ngayon mas maintindihin na ang mga magulang at hindi na nananakit, maganda itong pagbabago. Sabi nga sa akin ng aking asawa, kung masyadong bata pa ang bata ang iyong anak para intindihin kung bakit mo sya sinasaktan, gamitan mo nalang ng pangaral. Kung matanda na sya at nakakaintindi ng pangaral, bakit mo pa kailangan saktan?"</p> <p>(Before, when you do something wrong, your parents hit you. But now the parents are more understanding and don't hurt anymore, this is a good change. My husband told me, if your child is too young to understand why you are hurting him, just use admonition. If he is old and understands where he went wrong, why do you need to hurt him?)</p> <p>- Baby Boomer</p>
QUESTION 4:		
Should a minor woman engaged in sexual activity be subjected to bodily punishment from their parents to the extent of suffering serious physical injuries?		
Corporal Punishment is not justifiable	Physical, mental, and emotional abuse is not morally right and justifiable.	<p>"No. In this modern age, in no way is it ethical to take the life of anyone, much less your daughter." - Generation Y</p> <p>"In a diverse society, people have clashing opinions regarding sexual activities, especially if performed by a minor woman. No matter what a parent's belief is regarding sexual activity, one must not punish his</p>

		<p><i>child physically” - Generation Z</i></p> <p><i>“No. I personally believe that a minor daughter's sexual activity will not justify infliction of serious physical injuries, much more to the extent of ending her life.” Generation X</i></p> <p><i>“Bilang isang kristyano at ama, masakit malaman na nakikipagtalik ang iyong batang anak na babae. Ngunit, bilang kristyano at ama muli, hindi dapat saktan ang kapwa mo, lalo na ang iyong mga anak.”(Being both a Christian and a Father, it hurts to know that you daughter is already having sexual intercourse. However, using the same premise as a Christian and a father, you should not hurt others, especially your children) - Baby Boomer</i></p> <p><i>“no. bodily punishment in any way to the extent of suffering as a form of disciplining a child are harmful.” - Baby Boomer</i></p> <p><i>“No. I have been subject to this but not to the extent of serious physical injuries but being shamed and verbally abused alone and ostracized is not the moral response to this nor is it justifiable.” - Generation Z</i></p> <p><i>“No. Inflicting serious physical injuries shall already be viewed as unlawful in any situation, unless it is an act of self-defense. ” - Generation Y</i></p> <p><i>“no. no parent has the right to hurt their child in any form. it is illegal and unethical.” - Baby Boomer</i></p>
	<p>Traumatic effects such as mental, and emotional abuse of physical punishments.</p>	<p><i>“This is because bodily punishment only creates trauma and even death.”</i></p> <p>- Generation Z</p>
	<p>Sexual activity does not justify the infliction of physical injuries</p>	<p><i>“No. I personally believe that a minor daughter's sexual activity will not justify infliction of serious physical injuries, much more to the extent of ending her life.” Generation X</i></p>

	<p>Physical injury is a crime and not be tolerated just because of culture</p>	<p><i>"I think parents should not be allowed to harm their daughters when caught engaging in sexual activity. It is still a crime to hurt people. This is part of Filipino Culture and Tradition that must be corrected."</i> -Generation Z</p>
<p>Discipline must be transformative</p>	<p>Positive reinforcement from the Parents is an alternative</p>	<p><i>"no. sex is natural, as a parent, i would rather educate them with safe sex than punishing them."</i> - Generation X</p> <p><i>"Further, discipline should be transformative rather than punitive."</i> - Generation Y</p>
	<p>There are different consequences other than physical punishments.</p>	<p><i>"No but I would not give them inheritance and financial support the day they turn 18."</i> - Generation Y</p> <p><i>"Parents must adapt on ways to create a safe space on their children."</i> - Baby Boomer</p>
	<p>A child is still developing and not mature enough to understand.</p>	<p><i>"Certainly, the child would grow distant and afraid of her parents as the physical harm she received is forever embedded in her mind. The child might also be rebellious. To avoid this, the parent must talk to his child properly to speak one's mind and enlighten her about the matter. Through this, the parent-child relationship is strengthened, and the child can contemplate the matter."</i></p> <p>- Generation Z</p> <p><i>" In my experience, I was 13. What was I supposed to know. I was a child. The conversation should end there. "</i> - Generation Z</p>

QUESTION 5:

How is gender related to culture? Do you think that there should be equality in the treatment of men and women/ sons and daughters?

Correlation of gender and culture due to influence and history.	Gender and Culture are intertwined with one another.	<i>"Gender and culture are intertwined in such a way that if a country's social and cultural environment is predominantly patriarchal, women are subjected to discrimination and inequality to a far greater extent. In my view, all members of society should be afforded the same rights and privileges regardless of gender."</i> - Generation Z
	Culture brought about by colonization.	<i>" Brought by the Spaniard's influence, the Philippines became a patriarchal and Catholic society. This is why men receive more opportunities, recognition, and respect; some individuals believe being a member of the LGBTQA+ community is taboo. "</i> - Generation Z <i>"Gender roles are more present in some cultures such as in the Philippines and other Asian cultures. Although Im not sayings its not present in the west, its just more evident in Asian cultures where there are more expectations to economically thrive and to adhere to religious standards / expectations. Yes. there should be equality in the treatment of all genders in cultures. I believe that is what modernization / globalization should do for our cultures all over the world."</i> - Generation Z
Equality and rights in gender	Genders must be afforded with same rights and privileges	<i>"Society must progress and honor equality among all. One's age, gender, and race should not be a reason to be treated indifferently by society. As stated in Article 3 Section 1 of the 1987 Constitution, "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws." Therefore, society's beliefs must not be a reason for a person to experience inequality; rather, society must be a way for every person to achieve this right. "</i> - Generation Z
Nature of genders	Distinction of genders due to nature and culture	<i>"Filipino culture is still related to gender. There should be equality among sons and daughters. However, there are matters that cannot be given equally by reason of gender. "</i> - Generation X <i>"Our culture dictated what a specific gender must do. but, it is already changing. there should also be equality to both sons and daughters. i don't think any parent would want to have one discriminated with another, as both are equal."</i> - Generation X

Culture reformation	Progressive culture recognizes gender equality	<p><i>“Gender is always part of the culture and now, we should always consider gender equality in reforming cultures.” - Generation Y</i></p> <p><i>“A lot of our culture is infringed with gender. However, there are developments that have changed this. Yes, there should be equality in sons and daughters, men and women, because we are a nation that believes in equality. We are now moving towards a progressive future.” - Generation X</i></p>
	Focusing on the more vulnerable sector	<p><i>“ The “equality” we want between the genders has already travelled a long road, but it has not reached its peak yet, and there are still many things that are needed to be done to fix the perception of the society in general regarding women.” - Generation Y</i></p>

Table 1. *Thematic Analysis of Pre-Survey Qualitative Analysis*

1.8.1 Religion and Sex in the Philippine Context

In the Philippines, 92 percent of the population is Christian; 81 percent are Roman Catholics, and 11 percent are members of various Christian groups (Philippines Statistic Authority, 2015).

The conservative views of Filipinos on sex-related societal issues are significantly influenced by Catholicism, with the majority of the people’s stance on homosexuality, sex and pregnancy outside of marriage, and cohabitation as immoral. The majority of Filipinos hold that only heterosexual sexual activity within a monogamous marriage is ethically and legally permissible. The practice of sexual abstinence is strongly advised for individuals who are not married (de Irala et al., 2009; Delgado-Infante & Ofreneo, 2014; Gipson et al., 2012). Lack of sex and HIV education in households, schools, and the healthcare system is a result of individual and societal stigmatization as well as avoidance of the concept of sex (de Irala et al., 2009; Nadal, 2009).

1.8.1.1 Patriarchy

The Philippines likewise has adapted cultures and practices that can be traced back primarily to the Spanish Period, where the primary motives were for God, gold, and glory (Segal, 2008). With this, the country has adopted certain cultures, traditions, and even religions, that can still be seen today. The Spanish colonizers instilled numerous patriarchal cultural beliefs and behaviors into the nation as a means of carefully achieving their objectives. The patriarchal culture permeated every facet of Filipino’s life during the colonial era. Patriarchy was ingrained in society’s institutions, in men’s and women’s minds, in the worldview and socialization process, and it was mirrored in the household, the classroom, the media, and the law through the church (Medina et al. , 2015).

The evolution of feminist thought raises issues with the idea of patriarchy. The idea of patriarchy as it has evolved in feminist works has many different implications and is not one simple idea. Patriarchy has been used to refer, in the broadest sense, to male supremacy and the power dynamics in which men rule women (Beechey, 1979; Millet, 1969).

As mentioned, the history of colonialism has engrained a patriarchal culture in the Filipinos. The Philippines’ gender dynamics are characterized by significant disparities. It visually illustrates instances of how women have advanced in politics, achieved academic and professional success, and even enacted legislation. On the other side, images of migrant workers who are being exploited, economically impoverished women, and prostituted women stand in stark contrast (Anonuevo, 2000). Separate roles for men and women have been stressed by methods of giving one duty and excluding the other.

As a signatory to numerous international declarations, the Philippines joins other countries in establishing programs and policies to protect women and children. Nonetheless, much work remains to be done, such as unequal political representation and economic opportunities, as well as aggression and violence brought on by the specter of patriarchy, which persists to this day (Hega, et.al., 2017).

1.8.2 The Sexual Liberation of Filipinos through the Years

Compared to the generation before, Filipino teens are more likely to put off marriage, prefer living together instead of getting married, and have sexual intercourse before marriage. One in every four men and women in the country's total number of registered weddings (22.4%) were in their 25s to 29s. At these ages, around one in four men (38.3%) and one in four women (40.0%) got married (The National Statistics Office, 2023). Changes in the age of marriage have led to more people living together before or after marriage.

More people are also having intercourse before they get married. According to national survey data from 2002, 31% of males and 16% of females aged 15–24 said they had sex before getting married. A more recent Metro Cebu study found that 67 percent of men and 47 percent of women had sex before they turned 21, and 98% of men and 91% of women had sexual relations before they got married. Only 15% of women and 28% of men who had sexual intercourse before marriage said they used birth control during their first sex before marriage. Nearly 40% of those who used birth control said they had withdrawal symptoms (Natividad & Marquez, 2004; Gipson, Gulitano, Avila, Hindin, 2012).

Even though cohabitation and sex before marriage are becoming more common, most young Filipino men and women are against it. There is a big difference between young men's and young women's liberation in the Philippines and how these actions are accepted. This shows that traditional gender roles are still vital in these areas. Young men have more freedom to show their sexuality and are more likely than young women to date, have pre-coital, and do other sexual things at a younger age. Young women are expected to be modest and chaste, usually prohibited from discussing sexual liberation, especially before marriage.

On the other hand, women's liberation was one of the postwar movements that wanted to keep going the way it had started. It wanted all women to talk about what bothered and affected them most in their daily lives. So much of its early motivation came from the fight against sexual hypocrisy and for sexual openness and pleasure.

Women realized that pleasure was a social and political issue as well as a personal one. Urbanization and industrialization are often cited as significant factors that affect young people's sexual and relationship behavior. This is especially true regarding how they affect the structure of Filipino families and each person's role within the family (Gipson, et al., 2012).

In the Philippines, the law raised the age of statutory rape to 16 years old to protect children from sexual exploitation and abuse. By signing RA 11648, Former President Duterte made changes in enforcing RA 3185 and RA 7610 of the Revised Penal Code. Under the new law, anyone with sexual contact with a person under the age of 16 or who is mentally ill is guilty of rape. In addition, Republic Act No. 11648 changes the scope of RA 3815, the Revised Penal Code, and RA 7610, the Special Protection of Children from Abuse, Exploitation, and Discrimination Act. These changes protect the rights and issues of minors even more.

Furthermore, the Responsible Parenthood and Reproductive Health Act of 2012 is authorized in the Philippines after 14 years. The government pushed efforts to educate 10–19-year-olds about sexuality as part of the public school curriculum. The Philippines also paid for or helped pay for contraception in public schools and health clinics. The Reproductive Health Act is essential because of the country's prevailing health problems, such as high infant mortality, pregnancy-related deaths, and a rise in HIV/AIDS cases. Nine percent of women between the ages of 15 and 19 in the Philippines have their first child before they turn 20.

Law and culture are two essential parts of people's lives. They shape how people act as individuals, as members of groups, and as members of society. They also affect the values that people hold. Values, standards, traditions, beliefs, and laws come about over time due to how history has changed and how different things shape the present. Nevertheless, these rules are different. Instead, they are constantly changing because of how culture, law, society, and people interact and change over time.

1.8.3 Amendments on the Aspects of Rape Legislations

Through the years, the dominant approach to sexual violence in human rights instruments concentrated primarily on the abuse of women (Stemple, 2009). Under the 1930 Revised Penal Code, women can be the only ones who can cry rape. The sense of stigma of rape in men was pervasive. Men's masculinity in a patriarchal society is valued at all costs (Riccardi, 2010). Domestic laws did not cover male rape victims prior to the amendment of the Revised Penal Code. This unjustified double standard reinforced a complex gendered stereotype of males and females (McKeever, 2019). Today, the offense of rape, as it is defined, under Article 266 A, as amended by 1997 of the Revised Penal Code, states that rape is committed:

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - a. Through force, threat, or intimidation;
 - b. When the offended party is deprived of reason or otherwise unconscious;
 - c. By means of fraudulent machination or grave abuse of authority; and

2. When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.
3. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

As the 1987 Constitution guarantees the primacy of human rights, changes in the amendments include the broadened definition of rape as "any person who shall commit an act of sexual assault by inserting any instrument or object into the genital or anal orifice of another person." The acts mentioned in this article violate the dignity and rights of a person. The extent of cruelty is not limited to the location in the body. This amendment paved the way for the legal recognition of rape on males against persons; thus, the amended Anti-Rape law we use today recognizes that rape can be committed against men and women.

1.9 Research Objective

The research implores a critical analysis of the obscurities and inequalities that honor-based legislation brings. Furthermore, it is important to recognize the basic human rights that are undermined by such laws. It must be understood that laws must be consistent with the Constitution, and that "no person shall be deprived of life, liberty, or property without the due process of law". This study aims to conclude the following:

- 1) To bring out efforts to update the law which contains provisions that undermine equality;
- 2) To re-evaluate the honor-based legislation;
- 3) To unpack the complexities of the law and shed light on said provisions that would aid in better understanding and exercise of rights;
- 4) To assess the applicability of honor-based legislation in the modern century;
- 5) To help strengthen the policy implementation to the right of life and security; and
- 6) To determine the issues as well as identify its solutions of Art. 247 of the Revised Penal Code of the Philippines.

1.10 Statement of the Problem

There are laws in the Philippines that are linked to honor defense. Moreso, under such regulations, spouses or other family members are not criminally liable for killing or otherwise abusing a female member of the family. Underneath the notion that women's inappropriate sexual behavior taints family honor is the goal of these measures. Honor-based killings are universally condemned since they go against the fundamental principles of women's basic human rights. As a result, the researchers desire to identify the underlying legal principles of the legislation and examine the current applicability and equity of Article 247 in relation to the reciprocal relationship between the law and society. In particular, the researchers are inclined toward the daughter clause in Article 247 of the Revised Penal Code, hence the following questions:

- 1) Whether Article 247 is conformable apropos to the 1987 Philippine Constitution, the international obligations and laws, and domestic laws?
- 2) How just and contemporaneously apt is Article 247 with the nation's current culture?
- 3) How does Article 247 pose repercussions on the rights of minor women?
- 4) How should Article 247 be addressed in order to undertake the legal and societal quandary of Article 247?

2. Theoretical Framework

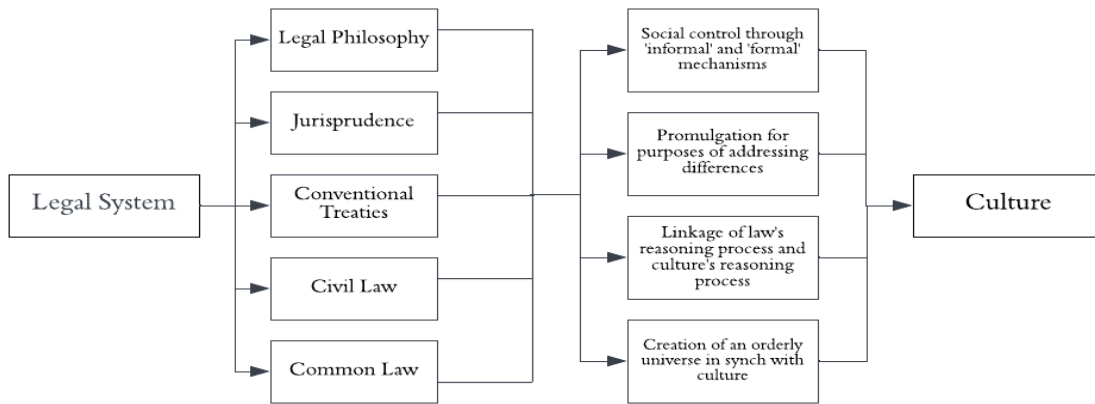


Figure 11. *Theoretical Framework*

Rosen (2005) in his book *Law and Culture* has emphasized that culture is fundamental to law, and vice versa. Law is part and parcel of culture and its means of conveying its sense of the natural order of things. His theory has claimed culture as the unavoidable and necessary mechanism by which explains how people give reality, meaning. The ability to form cultures is regarded as an essential component of our civilization's very evolution. Culture is much more than just a set of traditions that we may decide to wear or discard like garments; it is woven into who we are.

He further points out that disentangling law and culture is not possible. He specifically said that “law is so deeply embedded in the particularities of each culture that carving it out as a separate domain and only later making note of its cultural connections distorts the nature of both law and culture”. It connotes that law must not be viewed as merely an independent set of norms that governs conflicts. Instead, the law shapes how citizens see themselves and their relationships with one another. Berman (2009), in his analysis and study of Rosen’s book, has purported that there is a recognition that cultural changes continue to play a significant role in the development of law and that integrating culture is not optional from the equation of legal standards.

Furthermore, the framework of Rosen (2005) has identified the legal system which is inclusive of legal philosophy, jurisprudence, conventional treaties, civil law, and common law as a mechanism where societal control is deployed in formal and informal ways. He also stated that the legal system is a structure that generates facts to overcome discrepancies and addressing differences consistent with common sense. Another connection he has established is the linkage of the reasoning process of law and culture, for it enables society to understand how the law both reflects and contributes to the development of larger societal patterns of logic and reason. Lastly, he denotes the legal system’s connection and prime obligation to create an orderly universe that is concomitant with cultural shifts.

2.1 Conceptual Framework

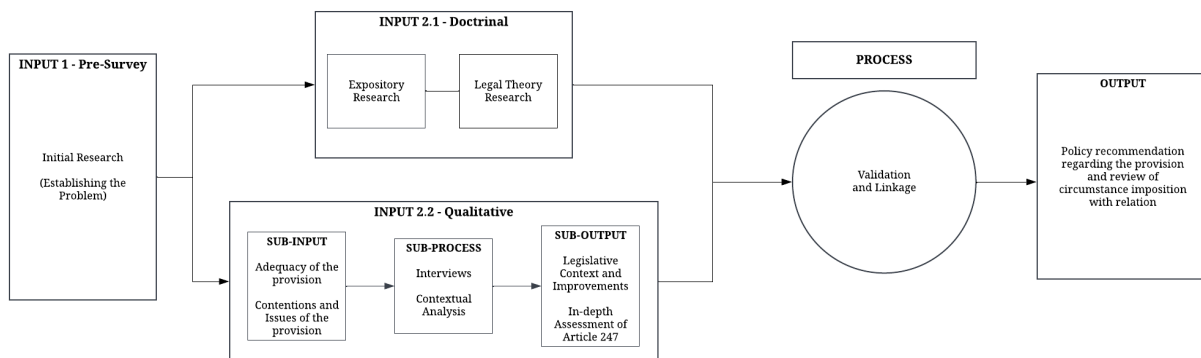


Figure 12. *Conceptual Framework*

The study has utilized and modified the conceptual framework from Hutchinson (2015) in his study on Incorporating Interdisciplinary Methods in Reforming the Law.

Initial research was done through a Pre-Survey Questionnaire that was modified to fit the study, based on the Circular Motivational Continuum of the Values in the Schwartz Value Theory from Lindeman and Verkasalo (2005), in their study of measuring cultural values. Its questions were focused on the values of benevolence, universalism, self-direction, hedonism, power, conformity, and security. Prior to pursuing the whole set of analyses, it is important to establish the problem and signify that there has already been a shift in the cultural norms for which Article 247 is anchored in.

This framework is backed up by the notion of Macdonald (1997) implied in the study aforementioned, which states that law amendments, repeal, and reform should include alternative reform processes and outcomes alongside legislative studies and doctrinal perspectives. He stipulated that different selections of studies should be made, moving toward more general topics like social justice and "the link between law and society." Which in turn is the root of obtaining a doctrinal aspect where expository and legal research will be conducted. This would satisfy the law doctrinal facet where legal dogmatics are analyzed vis-a-vis existing legal rules.

In the same study by Hutchinson (2015), it has implored the inclusion of community participation. It has connected the qualitative approach, where it has shown that this segment assists in interpreting the law. Barnett (2011) emphasized the need to "uncover the facts upon which law reform proposals are based" in reviewing policy, in order to encompass and perceive the same as an entirety, consequently identifying material and palpable problems to guide policy solutions. The citation has been developed into a sub-input, where contentions and the adequacy of Article 247 are subjected to interviews with contextual analysis which in turn leads to policy improvement by review of the legislation and in-depth assessments.

Further, Tranter (2015) highlighted the linkages between doctrinal input and qualitative input as the "best way to influence authorities to locate and improve recommendations for policy", as it flourishes on community and expert participation. In addition to offering "responses and suggestions," sociolegal involvement fosters a sense of public "ownership" over the legal reform process.

The framework is also in line with the study of Kirby (2005) which posed that, strategies on policy recommendation and reform shall undergo consultation strategies that are inclusive of doctrinal methods and contextual analysis supported by initial research. This framework was designed to help the authorities implement various suggestions, especially in circumstances where change may be difficult, by helping to establish consensus and understanding of its proposals through the help of experts in the field, supported by cultural community changes.

2.3 Other Theories

Law is a continuum of formal and informal structures, and the forms of law that seem more "official" cannot be understood without understanding the wide range of cultures. The law should be seen as this web of formal and informal punishments, but according to Rosen (2005), it should also be seen as a way to keep things in order and give people more freedom.

Rosen's model says that cultures balance "the order that law seeks and the open-endedness that life needs" to make a world that gives individuals and groups order and flexibility. This indicates that law and culture are connected, as established by the root of the various formal and informal systems imposed. As Macaulay (2005) pointed out, dispute resolution is a segment in a broader perspective that needs to create a sense of order.

According to Rosen (2005), the law does not just decide on facts that already exist but instead makes up what we think are the essential facts of a dispute.

Rosen (2005) explains his idea that evidentiary rules reflect and reinforce cultural assumptions by talking about some of the strangest parts of American evidence law. He then compares the U.S. rules to the assumptions that guide Japanese and Arab evidentiary rules. He talks about how Japanese society is linked to using forced conciliation and apologies to settle legal disputes.

He says as others have, that the law is full of the metaphors we use to understand how people act and relate to each other. Rosen (2005) concluded that law is integral to keeping a culture's view of the world as a unified and sensible whole.

2.4 Scope and Limitations

This study focuses on the in-depth analysis of the daughter clause in Article 247 of the Revised Penal Code of the Philippines.

2.4.1 Preliminary Survey

The researchers decided to conduct it on ages 12-57, more specifically, Generation X to Generation Z (Beresford Research, 2023). They are the respondents of the preliminary survey since they are now the current generation of parents and children. Their insights into this effective law are essential as they are directly affected by it.

Furthermore, to summarize and review the respondent's ideas that they believe fit the cultural norms of the society, the researchers conducted a survey on 4 generations, namely Generation X, Y, Z, and Baby Boomers. This is to encapsulate further their beliefs in a qualitative perspective for better reflection of data and in support of the quantitative data.

The researchers conducted in-depth interviews based on the awareness, general knowledge, expertise, and insights of the different experts in the daughter clause under Article 247 of the Revised Penal Code. The said field experts are from the three branches of government, namely the executive, legislative, and judiciary. The interview helped the researcher gain specific ideas and information about the area. Their insights bear weight to this study as they work hand in hand in the protection, promulgation, and implementation of these laws. It likewise emphasizes the importance of equality in the enforcement, protection, and application of laws in the Philippines.

Thus, the responses through the surveys and in-depth interviews are utilized to expand general sensitivity and awareness of the laws provided and eventually make efforts to update the laws or establish policy recommendations to improve the laws.

2.5 Significance of the Study

Despite the idea that laws are established for the common good of people, there are still laws that undermine the equality of the people composing them. Similar to the daughter clause of Article 247 of the Revised Penal Code, it somehow gives value to a person's representation and recognition rather than a person's living existence. It is timely that this study is conducted because laws should be for everyone, regardless of gender, age, or race. To further expound on this, the study the result of the study will benefit, but will not be limited to, the following:

2.5.1 Women and Children

The role of women has long been discriminated against despite its great significance to society. Children, on the other hand, must be protected at all costs for the nation-building of the country. This study will help eliminate gender discrimination, the promotion of women's rights, and the advancement of women's status in Philippine society. It will also protect girl children's right to life and responds to the State's obligation under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This study would also highlight the need for the state to prioritize a child's best interests in all actions involving them.

2.5.2 Legislature

Lawmakers establish the foundation of laws by composing beneficial provisions. Laws conveyed to them become critical in their quest as they may pierce or enhance the process, as members of the legal institution and pundits of the law. This study helps to bring out efforts to update the law which contains provisions that are unequal in nature. Re-evaluate old laws that may not be applicable in today's setting. This could also help in establishing recommendations in efforts to promote a strong and just society and repeal discriminatory laws and practices, beneficial to both men and women. The study will also stand as a supplemental reading tackling this topic in particular along with a variety of related literature to boost awareness of this matter in the minds of lawmakers.

2.5.3 Executive

It is important for the officers of the law and those who implement it, to understand the essence of laws to effectively promulgate them. It is their duty to apply it in such a way that it is neither discriminatory nor prejudicial. This study aims to help in the effective application of laws, to further strengthen the justice system in the Philippines, and eventually develop an empowered community.

2.5.6 Judiciary

Lawyers, judges, and justices have the obligation to protect and promote justice, and the dignity and rights of persons as prescribed under the laws. Moreso, judges and justices also take part in the interpretation of laws through jurisprudence. This study will help them with the wise interpretation of the laws that would make a just application to cases as it is necessary (Bouvier, 1856).

2.5.7 Students of the Law

As future professionals of the country, it is essential to be well aware of the system that they belong. This study would help increase knowledge and deeper understanding of the essence of laws that encourages an inclusive society. Upon gaining such awareness, they have the revolutionary power to either aid or further blur the already opaque and broken system.

2.5.8 Society

Laws are for the common benefit, the protection of the general public, and the prevention of crimes. It must be understood that at its very core, it must not be placed undue cognitive or behavioral demands on people to follow. Laws should be understood by society to be open and clear, and knowable to all. This study will help them with the importance of general awareness and sensitivity to understand the true intentions of a law.

2.5.9 Future Researchers

This study will be a relevant addition to the literature available on the legislature specifically on honor-based laws and will help further future studies on this topic. Related literature on the legislation of other countries has a variety, but the literature regarding the Philippines' legislation and its gray areas itself is sparse. Widening available materials for future researchers will increase the probability of better results.

2.6 Definition of Terms

- Honor-based law - These are laws that are specifically tied to honor, familial honor, or community honor.
- Honor-based violence - These are punishments that are seen to cause shame in the family or community for not conforming to the expected traditional customs or traditions of the society.
- Minor women - Women that are under eighteen (18) years of age.
- Discriminatory - These are unfair judgments or prejudice toward a specific group.
- *Destierro* - Otherwise known as "banishment". This is the penalty given if a parent or spouse commits an offense under Art. 247 of the Revised Penal Code.
- Penalty - The punishment imposed for violating the law.
- Seducer - This is the term used for the minor women's lover as far as Article 247 of the Revised Penal Code is concerned.
- Revised Penal Code - The code that is referred to and used for penalizing and determining a crime.
- Repeal - change, revoke, or annul (something).
- Traditions - the act, reality, or process of passing down traditions or beliefs from one generation to the next.
- Society - a group of people who coexist in a structured manner.

3. Review of Related Literature

3.1 The Philippine Legal System

The Philippines is described to have a hybrid legal system. In its legal history, the Spanish and American common law influenced most of the development of its laws and institutions (Gamboa, 1939; Agabin 2011,2012; Mahy & Sale, 2014).

Filipinos must discern and comprehend the various ideologies and cultures that were brought upon them to fully grasp the social development and demeanor subjugations to the country (Constantino, R. & Constatino L. 1975). The Philippines, being colonized first by Spain and the United States share a unique colonial history in the Southeast Asian context. After the Japanese occupation, it gained its full independence in 1946 (Santos, 2000). With this, the country had undergone several radical political regime changes which had deep effects on law-making and sources of models for new laws (Gamboa, 1939; Agabin 2011,2012; Mahy & Sale, 2014), which catalyzed the 'Filipinisation' of the Legal system, including the acknowledgment of Islamic law and indigenous customary law (Santos, 2000).

From the beginning of the Spanish era, the Philippines has adopted the civil law system. And in 1898, when Spain ceded the Philippines to the United States, common law or public law principles were engrained in the Philippine legal system (Platon, 1963). Therefore, private law such as obligations and contracts, persons and family relations, and others are patterned after the Civil Code of Spain, while public law, which consists of administrative law, constitutional law, and others are based on American Law (Santos, 2000).

The Philippine legislative system has been a reflection of a series of developments and shifts based on the sociopolitical climate and the degree of the political maturity of the populace. The 1987 Constitution being used today, considered the fundamental law of the land, was ratified by the Filipino People in 1987. Under this current Constitution, the government of the Philippines follows a tripartite structure. These three co-existing and co-equal branches are the Executive, Legislative, and Judiciary branches to ensure the separation of powers and an effective governance structure that ensures the protection of the rights of its citizens.

Under the legislative branch of the government, the source of the statutory laws is vested in the bicameral legislature, consisting of the Senate and the House of Representatives. Under the American colony, the legislative body of the Philippines was vested in the Philippine Commission which existed on September 1900 to October 1907. Back then, it was the President of the United States of America who appointed the members of this commission. Hence, it was a legislative system composed of all-American appointees.

In 1916, this body evolved into a primarily elective, Filipino-controlled legislature, in accordance with Jones Law, which created a bicameral committee consisting of the House of Representatives and the Senate.

In 1935, Jones Law was abolished and the 1935 constitution set a unicameral National Assembly. However, five years later, the bicameral committee was restored. In the inauguration of the Republic of the Philippines, it was established that the existing congress at that time would be named the first congress of the Republic.

In 1973, the bicameral committee was again abolished and its constitution created a unicameral committee known as *Batasang Pambansa* in a parliamentary form of government. In 1987, the constitution restored the bicameral committee composed of the House of Representatives and Senate as well as revived the presidential system of the government.

The executive branch, headed by the President of the Philippines enacts administrative rules and regulations and presidential issuances. On the other hand, the judiciary branch settles controversies that involve the rights of the people legally enforceable and demandable stated in our laws (Casiano, 1924).

3.1.1 Revised Penal Code History and Framers

The Old Penal Code, prior to the Penal Code that is used today, was substantially the same as the Penal Code of Spain of 1870 (Javier, 1932). After the American occupation, the same Code was ordered to be in force. Today, the Revised Penal Code, otherwise known as R.A 3185, remains at the heart of the Philippine Criminal Laws, despite its enactment for almost a century. Its foundation of criminal legislation was based on its distillation of the country's experience under the Spanish and American regimes (Reyes, 2012). However, this does not mean that the Revised Penal Code remained as it was, untouched since its commencement. Several provisions of this Code have since been amended by subsequent enactments of the Philippine Commission and the Philippine Legislature (Javier, 1934).

The legislative branch established a commission of impending lawyers and magistrates to draft a new code led by Justice Florentino Torres. In 1927, the acting Secretary of Justice of the Department of Justice, Hon. Luis F. Torres created a Committee of men composed of Judge Anacleto Diaz, Attorney Mariano H. de Joya, Attorney Guillermo B. Guevarra, Justice Alexander Reyes, and Rep. Quintin Paredes fit and qualified from both a practical and theoretical standpoint to undertake the task of revising the Old Penal Code.

The old penal code has undergone intensive scrutiny agreed upon by the House Committee on Code Revision. In cooperation with the Senate Judicial Committee, the Diaz Committee, and the collective opinions of the practicing attorneys, bar association, professors of law, judges, and other officers of the law, significant changes, additions, and suppressions were made in order to produce the penal code we use today. This is a result of the combination of the legal profession's expertise with the government's executive and legislative branches (Javier, 1934).

Laws in general, are influenced by social values and ethos. It represents the present social values, attitudes, and customs, directly or indirectly (Vibhute & Aynalem, 2009). Laws that are enforced in a certain institution depend on which social standards they deem as authoritative (Green, Adams, 2019). The Philippines is an integration of more than 100 ethnic groups such as the Muslim Malays, Christian Malays, Chinese, and others (Santos-Ong, 2020). Furthermore, the overall justice perceptions of these laws are analyses of an entity's and a society's lived experiences (Ambrose & Schminke, 2009).

Consequently, laws customarily shape the existing values and attitudes of a system. The complexity of the law and its functions necessitates an approach to understanding the legislation and its operational facets. In understanding the systematic review of the legislation, it aims to recognize the current and emerging policies, laws, relevance, and efficacy (Vibhute & Aynalem, 2009).

3.2 Honor-Based Laws

Honor-based laws root in "honor" and act as an elusive and dynamic term that portrays virtue on one side of the coin, and hierarchical dominance on the other side. It basically functions on a comprehensive multinational form of social currency, while operating informally on the idea of dominion and ownership. Seeding honor on laws serves as the cornerstone in the construction of gender identity and the value of individuals (Brown, et.al, 2017).

3.2.1 Honor in Purview

Honor has different definitions and implications for nations, regions, and cultures.

For instance, honor is considered very high in Japan. A study by Hurst (1990), has put the idea of Japan's honor in retrospect, and has highlighted that the Japanese would choose to commit suicide than lose what they consider to be "honor." To preserve their

honor, they will kill themselves in a fairly distressing manner, characterized usually by disemboweling themselves (for men) and slashing their own throats (for women). When asking for an apology for major mistakes, the Japanese openly prostrate in front of the person they are apologizing to, in order to demonstrate their sincerity and hopefully avoid having to kill themselves. The Yakuza, in particular, are well-known for mutilating themselves in order to impress their gang bosses.

In the United Kingdom, the concept of possessing a "stiff upper lip" is typically associated with a sense of honor. It means keeping your word, being virtuous, and completing your tasks, no matter how difficult it is. As a result, many of their myths, as well as those from nearby European countries such as Germany and France, feature heroes on tremendous expeditions to earn a reputation for themselves (Gul & Schuster, 2020). To keep their honor, the people of Great Britain typically endure a variety of challenges just to live up to it.

Further, in American culture, honor has revenge as a constant motif, where they constantly uphold it and gain it through revenge and satisfaction. Most conflicts there are found to be generally triggered by an insult to one's honor. Aggression and a ritualized act of force have been always connected to the preservation of their honor. Public clamor on honor includes the precepts of self-assertion in a courageous and decisive manner to secure self-respect, especially in men who are considered to be "highly" and "passionate" (Spierenburg, 1998).

In the Philippines, It is an acquired and earned attribute that is constantly defended and lost in the community. Honor is traditionally characterized in terms of integrity and virtuous behavior in both "Western" and "Eastern" cultures. It is a level of achievement that rises and falls with the owner's achievements and activities (Gonzalez, 2000).

3.2.2 Rationality and Impetus Behind Honor-Based Laws

Honor killing are based on the belief of a community that perceives the betrayal of dignity and deprives themselves of their "value" (Madek, 2005). It is coupled with a multitude of factors but primarily tied to women because, with regard to patriarchy and customs, a woman's greatest asset is to bear a child and marry. They are not of value to society if they are not pure, and purity equates to virginity.

For the continuance of life and legacy, procreation is viewed to be important to society, thus every person, especially men, has the goal and duty to consummate procreation (Bedell, 2004). For men, they are regarded to find a woman with the potential to bear children and marry. And as a parent, they are vested with the same right to protect their children, most especially their daughter's chastity. A female's sexuality is commodified and viewed as an investment that parents and male spouses make in standing high with honor and placement in the community.

As a result, a woman must be robust, virtuous, attractive, and fertile in order to be considered respectable and valuable to her tribe (i.e., a good investment). A man "buys" a woman's personal capacities through matrimony by promising assistance (and sometimes payment). She becomes bound to only have children for him and remain chaste until she finds his husband. While a married woman must stay monogamous, a gentleman is free to procreate with as many women as he can care for (Madek, 2005).

An unfaithful woman provides her lover with what her husband is "paying" for through sex or childbearing, and he becomes "dishonored/ungendered" (Dietrich, D. & Schuett, J., 2013). Premarital sex gives over a woman's "value" to a man without receiving marital support from him, rendering her useless. She can not marry or have children since she believes she has nothing to offer a future husband. Her family will not receive a dowry for raising her and will be "disgraced" for failing to make a positive difference by raising a woman who does not obey its conventions and does not bear children (Kanchan et. al, 2016).

3.3 Honor Killing

3.3.1 Characteristic

Individual men dominating individual women is not the main focus of honor codes and the offenses linked with them. Honor crimes, on the other hand, are "about community norms, social policing, and collective decisions and acts of retribution," and they occur inside a family system where the links of affection, loyalty, and obedience bind all participants to the murder. "Honor killings are a recurrent form of domestic and intra-familial violence, finding vindication and acceptance in society and the law," according to Corbin (2014). Whenever speculations of a woman's misdemeanors scatter all through the general public, murdering the offending female would be a moral responsibility of the besmirched kin, and now the only way to restore lost honor. As a result, an honor killing might be characterized as a familial council's purposeful murder of a disobedient or disgraceful member of the family for the exclusive aim of restoring the family's honor (Awwad, 2001).

Furthermore, not only do men play a pivotal role in female response inhibition, but some other women in the family also participate and help supervise the household's inferior females. The eldest mother or wife possesses the highest legitimacy and power inside the hierarchical family, hence it is also linked with them (Corbin, 2014).

Further, Korteweg and Yurdakul (2010) explained that a lucrative execution is used to reclaim one's honor. When confronted with apparent disgrace, fewer harsh alternatives to murder exist, but the sole objective of an honor killing seems to be to redeem a family's reputation and image. Consequently, the horrible truth of honor killings is that it was only ever carried out when the family faces certain social ostracism or disgrace that cannot be avoided by penalizing the guilty individual in yet another way. When a dynasty or family is accused of misconduct, the balance of power swings tremendously between clans and households, putting the weight of evidence on the offending party and their family to rebut the claims (Buss, 2011). The culprit is not given the benefit of the doubt, and when the rumor becomes public, bloodshed is almost always the result.

3.3.2 Gender

Apart from religious principles, gendered discrimination against women is the basic concern commonly cited as a justification for honor killing. Honor killings disproportionately affect women (Hussain, 2006).

Patriarchy has bloomed in common parlance and popular culture in the last year or so (Higgins, 2018). Allan Johnson, a masculinities sociologist, refers to our male-centered, male-identified, male-dominated social structure as "patriarchy," and identifies male distrust and fear of other men as patriarchy's primary motivating force. Control and domination of other men ensure one's own safety from them, which is why patriarchal culture values them the most. Although the goal of patriarchy is not to oppress women, a social system that is male-identified, male-controlled, and male-centered will inevitably value masculinity and masculine traits over femininity and feminine traits. Men (and women) will be encouraged to view women as beings capable of meeting male needs in such a system.

In patriarchal structures, other social systems of group-based oppression coexist with sexism. Inequality is structured by race, ethnicity, religion, class, and a variety of other factors. Women and men are both privileged or disadvantaged based on their positions along with these variables. Women, like men, can oppress those in vulnerable groups. The amount of privilege a person has is determined by the social positions she holds and how those positions are valued in her society. Although female subjugation is not the primary driving force behind patriarchy, patriarchal culture is deeply misogynistic and values masculinity. Women are seen as less than fully human and less than trustworthy in such a culture, especially when "accusing men of sexual misconduct" (Becker, 1999).

Education, social divisions, the sparsely populated divide, tribal and patriarchal conventions, and unequal socio-economic situations are all remarkable factors on women in patriarchal cultures wherein honor codes rule and masculinity is held in high regard. Women in cities, in contrast, have more chances for employment, learning, and liberty than women in rural communities. With the exception of a few powerful, privileged female groups, the social fabric commences with unspoken female servitude and dramatically concludes with men's authoritarian disposition (Hadi, 2020).

The 'honor' code, which includes a set of principles and conventions that define 'honorable and dishonorable' conduct, is indeed the source of the primary 'honor' issues. The code specifies the issues that a person with a notion of 'honor' should be mindful of. Whenever an 'honor' rule is suspected of being breached, exacting revenge and embarrassment to the family, men should chastise them to demonstrate their manhood and reestablish the family's 'integrity,' or their family may well be regarded as a 'dishonored family' or families lacking 'honor.' The pressures of the societal structure are frequently the motivation for such atrocities (Hadi, 2020).

3.3.3 Religion

Although the origins of honor killing can be traced back to gendered power imbalances, these foundations are insufficient to evaluate the link connecting faith and honor killing. In another purview, it compares assault incidents from three religious traditions—Christianity, Islam, and Sikhism—and also variances in respective beliefs and approaches to honor crimes—to assess the role of religious practice in the conduct of honor killing. Even though the majority of these denominations condemn the actions that honor killings condemn, none of them expressly necessarily support or promote killing.

Rand's father, Abdel-Kader Ali, rationalized his daughter's murder by claiming that "what she did"—talking to a soldier of British nationality at work, was considered to be "abhorrent to any Muslim who honors her creed". Karar Oda, a gay Iraqi, was executed because his homosexuality was considered a "crime against Islam" by his executioners (Alsabti, 2017). The incidents mentioned above are just two among many wherein honor murderers excuse their conduct by using their faith and the ostensible necessity to follow its rules to the letter, so they have to condemn anyone who does not. These incidents are a reflection of how religion is tied to honor killings.

3.3.4 Existed before religion

Honor killing is not sanctioned by religion, particularly Islam, because "honor crimes are by no means an Islamic construct" (Madek, 2005). Honor killing, for instance, was always a part of the Western legislative system until it was established in Muslim countries. Honor killing, as Hussain (2006), points out, surpasses all documented religions. Religious faith cannot possibly be the origin of honor killing.

Soharwardy, a Calgary-based imam, in his analysis, emphasized that honor killings have galvanized the community to address uncomfortable issues and if it really is part of their religion. It furthered the idea that honor killings are more with cultural values and have less to do with the faith that existed before religion took root. The same also emphasized that the said incident has been forbidden by their holy book.

The concerning point of the incident is caused by a lack of respect for minor women's equality and human rights, instead of religious morality. Islam, for one, acknowledges and cherishes the intrinsic dignity endowed by Allah on all people, irrespective of race, nationality, sexuality, or creed. "And their Lord has accepted of them and answered them, 'Never will I suffer to be lost the work of any of you, whether male or female, you are members, one of another....' as stated in the Koran.

3.3.5 Culture

3.3.5.1 Gender Stereotypes and Culture Interrelation in the Philippines

The essential significance of familial relations and expectations serve as children's main socializing unit and natural environment for developing towards masculinity and femininity is emphasized in all psychological ideas as to how gender stereotypes get produced and internalized by the youth (Hoyenga & Hoyenga, 1993). The gender socialization process reflects predominant conceptualizations, significance, and purpose about being male or female within the cultural environment since socialization has been the intricate process of acquiring those characteristics that are deemed proper and not suitable within a cultural context (Liwig, et.al, 1998).

As a result of these stereotypes, women and men are observed to display particular characteristics. Jimenez (1981) investigated Filipino notions of male and female roles and discovered that womanhood is closely related to both the maternal and housewife roles, as defined by the labels "*pino ang kilos* (refined), *mabini* (demure), and *mahinhin* (modest)." Manliness, on the other part, is traditionally understood as being "*malakas* (strong), *matipuno* (brawny), *malaki ang katawan* (bigbodied), *maskulado* (muscular), and *malusog* (healthy)."

3.3.5.2 Illicit Judgement in the Philippines

Santos (2016) has comparatively used a specific scenario to elaborate on the Philippine culture and their take on rape culture as an honor killing. It has framed Tito Sotto and his resemblance with Waseem Azeem, the man who killed his sister, a Pakistani social media star who is Qandeel Baloch.

These two men came into the picture when a woman stepped out of the box of decorum that is meant to confine her. They both propose that the said woman needs to be chastised. She must be brought in her place, where she must always enliven passive submission and unquestioning acquiescence at all junctures and without exception.

Condemning and blaming women for being raped or sexually assaulted is what they need to be reminded of, Sotto said. He argues it is his obligation to remind them of what is appropriate conduct.

While Azeem believes that it is his responsibility to safeguard his family's honor, therefore he executed his sister for humiliating them on social media through revealing and provocative posts.

"*Kababae mong tao, pa-shot shot ka pa,*" [You're a woman and you drink alcohol?] Tito Sotto retaliated, having no reservations about publicly chastising a lady who admitted to being sexually attacked on primetime television. "*Siguro naka shorts ka pa!*" [You must have been wearing shorts!] Sotto added.

"Women are supposed to be in the home where they are not to be seen," said Azeem.

Both of them feel that men are superior to women and that they may do and utter anything they want to them. Any hint of a woman's independent spirit will be gunned down and ridiculed. They believe that doing these actions is a moral obligation. They do not even believe they have to rationalize their conduct since they are men, who are meant to make rules rather than obey them. Also, both men are impacted by their religious perspectives. Religion provides people with defense and security, as well as the authority to castigate and discipline.

Sotto simply recognizes his delusions of honor and outmoded conceptions of what women are required to do, as well as his conviction that he's still truthful. Azeem, the same, appears to believe that he made the right decision. "I have no regrets," he declared following his detention with the police. "Because of what I did, people will hold me in high regard."

Santos (2016) then posits and elaborates on the culture of the Philippines towards women, inclusive of young ones up to spousal attainment. The analysis and narrative are as follows:

1) Controlling is not caring.

Women's oppression and control begin at a young age and are so subtle that we are unaware of it. Restrictions have been placed upon them, since the era of Filipino shamans or Babaylan.

Women are unable to play outdoors due to the fact that girls must not be spotted wandering the streets. They can't just wing it because that would be unladylike. They shouldn't chuckle so hard since it's tactless. They should not really speak as much because it will be nagging. Only whores with no honor wear provocative outfits, so they shouldn't.

Women are required to make meals and tidy up afterward, while brothers and other male relatives lounge around watching TV and drinking beer. Basically, abide by them, or else it disrupts their pride. Like how adultery is so much frowned upon when it's a woman who does it, or when a young woman is liberated enough to fulfill her sexual desires. It pushed young girls to believe it is the parents' method of showing their love. Indeed, it accomplishes its objective of providing guidance to a youngster during their formative years.

This "controlling-caring" dynamic is tough to break out from. For the moment guardians begin to let off, somebody steps in to control and restrict lives in the name of safeguarding and nurturing us. So a young woman is programmed to believe that her partner is being lovely when he instructs her what to wear and not to go out too late at night. It's difficult then to perceive it as a control mechanism.

This is most likely how most men and women supported and protected Sotto. Many Pakistanis also came to Azeem's side for about the same rationale. Many had threatened to sexually abuse and execute Baloch well before he choked her. He simply completed the task for them.

2) Honor in defense

The Pakistani authorities apparently forbade Baloch's family from forgiving their son. The offended party's ability to "forgive" the murderer is a gray area that enables much of the estimated 500 honor killings to go unpunished. Defending and enabling these men while demonizing the women they abuse perpetuates rape culture and honor killing. Deflecting the responsibility and humiliation of the victim absolves the perpetrator of accountability.

"Rape culture is the PH's version of 'forgiveness' for an honor killing."

3.3.6 Socio-Economic

If a scarcity of resources brought ethnic groups with each other in history (700 B.C.), it stands to reason that widespread poverty, which exists in many communities where honor killings are prevalent, will result in the return of certain traditions (Gonzales, 2000). Communal status in ancient times was dependent on maintaining a large populace, therefore a man's devaluation was his wife's fertility, virginity, and loyalty to her husband and tribe. Women in the present, are progressively mindful of and eager to protect their civil liberties, putting them ahead of the expectations of their families and society, even though they are still essential for communal prosperity. When individuals who are responsible for a community's personal sacrifice, refuse to do it, civilization is jeopardized.

"That's the only type of [value] we have left," a Syrian women's rights advocate said in an underprivileged village (Zoepf, 2007). Many households give their women as child-bearing wives in exchange for a favor from the groom's family because they have almost nothing to pitch in terms of trade. As a result of the pressures of poverty, female bodies have become commodities, with defects being discarded ("quality control"). Honor killings are often used to dissuade concerned citizens from acting like the bereaved.

In practice, one can also understand the legal idea of honor as allowing one to simply allege that he or she could never have slain his or her own blood if it were not for honor. She may basically sacrifice a human life at the expense of an inheritance or indeed

any financial gain. In certain poor societies, for instance, where men are paid a dowry for acquiring a spouse, they frequently murder her in order to remarry and collect a whole other dowry (Hussain 2006).

Likewise, in societies where a man charged with an honor crime might save his life by paying a fee, the accuser will suggest another man's crime. They would then kill a (female) close relative as "proof" of the crime, requesting money restitution from the other men or threatening their existence (Hussain, 2006). Such examples of "honor" defense abuse show that honor killings are growingly being motivated by financial gain rather than an emotional demand for greater vengeance. Also as consequence, human existence is rendered cheap where there are poor economic constraints and chastity and fertility are valued. As a result, poverty makes a mockery of victims' lives and may be one of the motivations or prompts for an honor killing. Honor killing is exacerbated and entrenched by accepting monetary compensation for executing victims.

3.4 Article 247 of the Revised Penal Code

Following the implementation of the Revised Penal Code, its effectiveness has been mirrored in the various case laws it applies. These laws are not just mere guidelines; they also attach the prescribed liabilities and rewards that are specific to a particular prohibition and prescription; they try to make individuals behave in sociably desirable ways (Stein, 2011). The nature of law does not only balance the real or factual side; it is also a critical and ideal facet (Alexy, 2000). On the critical side, certain circumstances advance on the basis of morality and law. According to Shavell (2002), the design of the law is greatly influenced by moral beliefs in itself; these beliefs raise the bar of satisfaction that raise the general welfare. Moreover, moral beliefs embedded in the laws affect the optimal domain of the laws, as it alters the value used by the law in the social context.

In this connection, Article 247 of the Revised Penal Code generally talks about the exempting circumstance for when a spouse commits a crime against their spouse, catching them in the act of sexual intercourse. In a case, perhaps the most celebrated case of Article 247 was the infamous case of *People of the Philippines vs. Abraca*, G.R 74433. In this case, there is no question that Abraca surprised his wife and her lover, the victim of the case, in the act of illicit sexual relations, which moved to kill, the victim in a fit of passionate outburst. And despite the moral prohibitions on killing other people, collective social norms allow these inflictions of pain on others (Molenberghs, Ogilve et. al, 2015).

Furthermore, in the case of *People of the Philippines vs. Talisic*, G.R 97961, the supreme court justified the vindication of a man's honor because of the impropriety of the cheating wife. This is an example of honor-based defense in discourses. As Oman 2011 supports, acting to vindicate one's honor supports the *Theory of Justice*, that self-respect is a fundamental aspect of one's good life, especially in this case, the husband.

However, it must be noted that the killing of the cheating spouse must be caught in flagrante delicto, or in layman's terms, in the very act of sexual misconduct. This is further strengthened in the case of *People of the Philippines vs. Wagas*, G.R 61704. The Supreme Court held that Wagas was guilty of parricide, under Article 246 of the Revised Penal Code, for killing his own wife when she was out with her sister and friends, obviously not in flagrante delicto.

Under Article 247 of the Revised Penal Code, a passionate outburst must be of the following elements: a) that the spouses who are united in lawful wedlock surprise his spouse in the act of sexual intercourse with another person and b) that he kills any or both of them instantly thereafter.

3.4.1 Destierro

While crimes of parricide and murder are considered as heinous crimes under the Code, this exempting circumstance only sentences the offender destierro. For justice to be served, the offense must be equivalent to the punishment. With *People vs. Coricor*, 79 Phil., 672, it is stated that destierro is mere banishment that is intended for the protection of the accused. Consequently, this ruling was further strengthened in *People vs. Araquel*, G.R L-12629, where the justice penned that destierro is seen to grant privileged or benefit to the accused. This only grants an advantage to the oppressor rather than to the aggravated.

In all cases that relate to Article 247 of the revised penal code, it is seen that this specific provision only makes use of the spouses' clause. The daughter clause of this provision has never been used as a defense.

3.5 Effects of Culture on Law

Culture is interdependent among the disciplines of social science. It is learned and not passed down. It is from an individual's climate, not genetically inherited (Oatey, 2012). Culture influences law and vice versa. Law is also indispensable to culture and, conversely, culture to law (Rosen, 2017). As society progresses, culture also changes gradually; it changes. Law plays a significant role in people's relations, practices, and decisions (Maunter, 2011).

For example, the egalitarian culture established laws concerning the rights of both genders and guaranteed their non-infringement. In this connection, laws enforcing the same rights for both genders may encourage change in cultural values regarding the position of men and women in society (Varner & Varner, 2014).

In the Philippines, it was known in history that only men enjoyed the basic rights of suffrage. Nevertheless, the series of amendments from the Commonwealth Act granted women the right to vote, resulting in having women presidents (Samonte, 2022). This shows the effect of cultural priorities on the legal systems in a country, which helps shape and change cultural priorities (Varner & Varner, 2014).

While law and culture have similarities, their differences impact the enforcement of regulations issued under each social science (Frankel & Braun, 2021). The Laws and their system are an evident product of the culture in a society. These structures are created to facilitate and regulate society in their everyday life and conflict resolutions. This is legislated thru socially transmitted norms of conduct, as culture is the manifestation of attitudes, beliefs, norms, and conduct (Bierbraurer, 1994).

It is necessary that laws made by competent authorities acclimate to its people's geographical and cultural context. Since the law's purpose is for the protection of its people, it must be inclined to the way of living of its people. The law cannot be separated from culture; it is presumed that culture influences the law (Micheals, 2011).

As made by authorities, laws may be considered an institutional, cultural actor made up of different agents such as the congress, justices or judges, government workers, and citizens who order and interpret its meanings. Despite their diversity in culture, they are the ones who make up the laws to regulate society. Law is only one of the few that denotes culture, which cannot be independent of one another. Law concentrates on the abstract meaning of culture. Law has always been dynamic, interactive, and dialectical. It makes law both an 'object of culture' and a producer of culture' (Mezey, 2001).

Essentially, the German historical school of the law states that law begins as a set of beliefs and shared norms of a society and eventually becomes the law of the land. During the Enlightenment period, natural law advocated that law should be created in close connection with the universal human reason so that it would be appropriate in all systems. This prompted the regulation of society in the application of human reason in a rational manner. However, as people in different parts has different cultures, having a standard set of laws based on the reason of a particular group of people was futile and baseless. Consequently, in the third approach of Anglo-American jurisprudence, the law is viewed from the manifestation of courts as an inherent and distinct cultural system (Maunter, 2011).

From German jurisprudence and Anglo-American jurisprudence, these discussions are the partaking of the concept of culture to the more profound understanding of the complexity of the law on a wide scale (Maunter, 2011).

4. Methodology

4.1 Nature Of Methodology Deployed

To ensure the effectiveness of the study and the accuracy of the measures taken to answer the research problem, the overall strategy integrated is a blackletter and sociolegal approach.

4.2 Blackletter

The development of legal doctrines through the examination of legal norms is the focus of the blackletter study. Legal doctrine entails more than just precisely measuring the laws; it often aims to pinpoint the fundamental legal structures that deploy legal judgments. Blackletter law analysis seeks to comprehend what the law actually is and how best to analyze it from the inside out. As it provides order and logical connections, it evaluates the article vis-a-vis the Constitution, international obligations brought about by international conventions, special legislation, parliamentary debates, and their acts.

4.3 Sociolegal

This method is basically law in action as it encapsulates the application of the law and the reciprocal relationship between law and society which is inclusive of how much it affects society and how the relationship is being explored. Sociolegal scholars believe that law cannot be understood or examined in isolation from its connection and implication with people, politics, and culture. This aspect draws the analysis of the article on its gendered perspective and contemporaneous aptness through qualitative research by means of interviewing experts supported by legal academic scholarship and disciplines related to it such as culture and gender. The study further utilizes reports from NGOs and empirical research which are connected to the topic and are bolstered by legal doctrines.

4.4 Qualitative Research Design

The qualitative approach is used to address the issues of Article 247 and explore the rights of individuals in upholding their right to life and security. With Creswell and Clark (2007), a qualitative approach to a study will help explore a phenomenon. Since this study is attempting to discover the article's issues, contemporaneous aptness, and relevance, this will help the researchers determine the social relation and implications of the law. This qualitative data from in-depth interviews and analysis will serve as support for the data collected from the quantitative approach.

4.4.1 Interview

The study made use of interviews as it helped researchers build on the respondent's insights and ideas regarding Article 247 of the Revised Penal Code as well as its complexities or issues at hand.

4.4.2 In-Depth Documentation Analysis

The researchers made use of the available data and resources by doing an in-depth documentation analysis of published documents such as articles and journals, as well as complementary laws, provisions, and accounts that have a sufficient basis or background about the complexities of Article 247 of the Revised Penal Code.

4.3 Setting

Taking into account the limitations of the COVID-19 pandemic, most of the interviews were conducted via virtual platforms due to restraints, and safety regulations. However, some respondents on their personal preference opted for a physical interview instead.

4.4 Samples and Sampling Technique

For the quantitative analysis of the study, purposive sampling was used for the qualitative analysis. There was a selection of individuals who can provide in-depth and detailed information about the topic under inquiry are recruited through purposeful sampling. This is essential since it creates the qualifying criteria that each participant must meet in order to be included in the study.

4.5 Determining the Sample Size

The sample size for the qualitative aspect should be large enough to unveil a variety of opinions and limit the same at the point of saturation. It is a general recommendation for qualitative studies using the in-depth interview as the data gathering tool to have 3-10 individuals. Upon consultation, a suggested threshold of a minimum of participants per branch was suggested, considering the factors of study design and the principle of saturation.

4.6 Advantages And Limitation

The researchers used the blackletter approach to the study because of its principles for the in-depth analysis of the nature, wording, and letters of Article 247 of the Revised Penal Code. This helped the researchers with the legal interpretation of the article, especially on the intention of its preservation. Since this study deals with the analysis of the true intention of the article, the black letter gives the framework of interpretation. Blackletter bears to the direct and single accurate and specific point of Law. The collected cases concerning the article clarified the significance and purview of legal rules and principles. Using the Blackletter approach, it elaborated the elements and definition of Article 247. By understanding the nature of this article, the researchers uncover the origin and objectives of the Law, which ultimately devise policy recommendations or law reformation.

The researcher also used the socio-legal approach to the study because of the Law's underlying effects on society. The study aimed to analyze its meaning in a symbolic sense, not solely on the legal aspect of the law. This is useful in finding the leading cause and behaviors of different societies, paving the way to understanding societal reforms. This helped this study to prove a specific legal incident and its relation to the culture, society, and application of the law. This type of analysis is linked to the perspective of the situation where the law applies, seeing how the law plays in the circumstances it has been brought to. Moreover, this gave the study a wider context of exposure, progress, and adaptation. This allowed the dominant approaches, theories, and assumptions to be the letters of the law.

Yet, the blackletter approach also argues customary conservation. In the perceived inherent conservatism, the legal profession has an attachment to the current social order, which brings the legal profession pleasure, consequently disinterested in social and legal change that discomposes such status quo. It further devoids any support from the social facts. It has the incapacity to adjust to the changing legal system.

In a socio-legal context, the limitation stems from the need to sort out the gap between the words of Law and the application of laws. The relation between politics and the socio-legal approach is tied inseparably to the liberal and radical agendas of politics. Moreso, the socio-legal approach needs, at the very least, to become influential within the different aspects of social science.

4.7 Research Instruments

In order to ensure the success of the data gathering, certain measures need to be undergone for the validity of the research instruments. Further tailored to be reliable and relevant to the provision being studied in lieu of doctrinal study in harmony with respondent input. Instrumentation is a fundamental part of this study since the quality and footing of the research are highly dependent on the preeminence of the research instrument. The authenticity and accuracy of the study are vested in the efficiency and reliability of its instruments.

4.8 Development

The qualitative research approaches are based on different paradigms, or belief systems, about the nature of reality that guides all decisions about how to approach a research question (Polit, Beck, Hungler, 2001). Furthermore, the qualitative approach in this study is to seek an in-depth understanding of the article. According to Eckerdal and Hagstrom, (2017), qualitative questionnaires are a fruitful method for information studies, as it generates materials that are rich in nature and useful for many fields. Additionally, qualitative questionnaires that were given to the respondents were designed with the concept that questions should be answered objectively and neutrally (Klein, 2003). Hence, the questionnaire for the interview will be tackling an in-depth analysis of the issues concerning Article 247 of the Revised Penal Code and their view on the sufficiency of laws protecting the rights of minor women.

4.9 Validation

Validating the research instrument guarantees that it is effective and that it is measuring what it claims to be measuring. The instrument had undergone two validations. An initial consultation with the research adviser was held to synchronize relevant parts. Following the initial consultation, consent from the research adviser was sought, reflected in Appendix A. Thereafter, a sociologist who is also an attorney was asked to evaluate the relevance and applicability of the questionnaire on the current study that may be viewed in the same appendix. After applying assigned adjustments in accordance with the expert's evaluation, the instrument was submitted to both of the validators in order to secure validation forms.

4.10 Data Gathering Procedure

Respondents were sent a letter of invitation followed by the questionnaire for their convenience and review. These materials were examined by the research adviser, prior to sending. Upon confirmation of participation, the interview details such as the date and online meeting link were sent seven days prior to the interview date scheduled.

4.10.1 Ethical Considerations

Anonymity and confidentiality in handling the data were clearly discussed at the beginning of each interview and also sent to the interviewee, as reflected in Appendix E. They were informed that only their positions or profession relevant to the topic are disclosed. It is established that the data will be used in the study and kept for future purposes such as publications related to this study after its completion.

4.11 Data Gathering Tool

4.11.1 Blackletter

In order to zoom into the legal reasoning of Article 247 from the formal perspective of the law, the researchers revisited the Article through the examination of its intent, penalty, and its conformability with other laws. The key questions undertaken are:

- 1) What is the legislative intent of Article 247?
- 2) What does the penalty of Article 147 entail?
- 3) Is Article 247 in harmony with the 1987 Constitution?
- 4) Does Article 247 fulfill international obligations imposed by international treaties and conventions?
- 5) Is Article 247 cohesive with other municipal legislation?

4.11.2 Sociolegal

For the qualitative study, the researchers utilized a questionnaire with six segments with 24 questions, as the primary instrument for data collection, obtained through one-on-one interviews prepared and sent prior to the commencement of the meeting.

The interview questionnaires are referenced from an existing study by Molotova et al. (2020), modified in order to cater to the study. Its properties are inclusive of psychometric aspects and the topic expertise of the respondent developed to achieve the six segmented goals all aimed to comprehend the respondents' perspectives, approaches, and understanding. This segmentation is beneficial since it enabled the researchers to identify themes and trends in opinions and decipher the experts' take on the article. Each segment has a particular target, enumerated below together with the questions that aid in achieving the same.

The segmentation is done with respect to the problems of the study. In compliance with its target, it is framed to answer specific questions of the researchers. Segments two and four answered the question, "How just and contemporaneously apt is Article 247 with the nation's current culture?". For the question, "How does Article 247 pose repercussions on the rights of minor women?", segments three and five yielded its answer. Lastly, segments one and six answered, "How should Article 247 be addressed in order to undertake the legal and societal quandary of Article 247?".

Segment One: Introductory questions that allow the researchers to establish contact with the respondent, form an atmosphere of trust, and obtain general information about the respondent inclusive of their area of interest, social activity, and citizenship position. The questions are as follows:

- 1.1) "Do you like the city you live in?"
- 1.2.) "Is an individual able to influence the development of comfort in one's city/country in your opinion?"
- 1.3.) "Who is more responsible for the quality of life in society, citizens or authorities?"
- 1.4.) "Do you take part in public life/political life?"
- 1.5.) "Have you had to study law?", "Have you ever had to defend your violated rights?"

Segment Two: Questions aimed at clarifying the semantic content for the subject of the concepts of "law", understanding the functions of law, and the proportionality of law with other regulators of social relations (morality, religion, etc.). The questions are as follows:

- 2.1.) "How do you think the concept of law and the concept of legal act are related?"
- 2.2.) "What are the main functions of the law, especially the Revised Penal Code?"
- 2.3.) "How do legal norms differ from moral/ethical/religious ones?"
- 2.4.) "Can the legal and moral norms coincide in their content?"

Segment Three: Questions reflecting the respondent's awareness and perception of Article 247, and fundamental women's and children's rights, together with its effect on society. The questions are as follows:

- 3.1.) "What rights and freedoms of women are known to you?"
- 3.2.) "How do you think Article 247 affects the civil liberties of women and children?"
- 3.3.) "Do you think that the article respects human rights?"
- 3.4.) "Does the article affect the formation of moral norms and/or vice versa? Why?"
- 3.5.) "Does the article affect the development of society and/or vice versa? Why?"

Segment Four: Questions reflecting an overall analysis of law as a sociocultural phenomenon, an assessment of the effectiveness of existing norms, and an approach from the standpoint of justice. The questions are as follows:

- 4.1.) "Do you think the article is fair?"
- 4.2.) "Does the article put genders on equal footing?"
- 4.3.) "Do you think the article is relevant today?"
- 4.4.) "Do you think that the article is formed to withstand societal norms? Is it supposed to?"
- 4.5.) "Do you think the article is in harmony with the current societal norms?"

Segment Five: Questions leveled on evaluating the adequacy of the article in line with the rights of women and children. The questions are as follows:

- 5.1.) "How do you define a law that effectively protects the rights of minor women in our country? Does the article fall under the definition?"
- 5.2.) "Does the article protect women and children? Justify your answer."

Segment Six: Questions that inquire and probe about the measures that should be taken on for the article. The questions are as follows:

- 6.1.) "Should the people of authority conduct measures to address the article?"
- 6.2.) "Should the article be altered in the advent of social developments?"
- 6.3.) "What significance will it do when Article 247 of the Revised Penal Code is amended or repealed?"

There is currently no appropriate and accurate toolkit in a quantitative form that provides a holistic purview of obtaining the enumerated objectives. The questionnaire developed by Molotova et al. (2020), has been examined and furnished to administer the review and analysis of Article 247 in accordance with the principles of policy reform.

The questions engaged in a technique of High Order Thinking Skills where questions are active and a certain level of the process is followed to indicate a cohesive flow of discussion that leads and connects with each other.

4.12 Treatment of the Data

After collating all the data from the respondents, the treatment of the data utilized a thematic analysis approach as this study aims to seek and understand a certain set of experiences and actions among the data gathered (Braun and Clarke, 2012). This is specially designed for a qualitative type of method to search for a common phenomenon or meaning. This set is to analyze the interview data to establish a specific repeated pattern. This likewise describes the data that involves the interpretation in constructing codes and themes while also arranging the said codes into themes (Kiger and Varpio, 2020).

Specifically, a deductive approach will be done since it is driven by the six objectives aforementioned. This approach is appropriate and advantageous in honing the specifics of the data provided by the respondents and identifying the context from the pre-existing objectives (Braun and Clarke 2012). Furthermore, the aid of the predefined objective in theme development is vital in dealing with the particular aspects of the data.

The researchers categorized the respondent's answers by the questions and their answers by segments and identified the unifying theme of each question. The researchers familiarized and analyzed the answer of each respondent and generated a code. From there, the researchers extracted the theme that helped provide a rich and detailed transcript of the interviews.

4.13 Sources of Data

Primary sources and secondary sources are the two broad categories into which the materials are utilized for legal research. Constitutions, judicial decisions, statutes, and administrative rules and regulations, international conventions, fall under primary legal sources. Although secondary legal sources sometimes restate the law, they are vital since they explore, examine, expound, and critique it. In order to find main legal materials, definitions of legal terms, or interpretations, secondary sources are often used.

4.14 Respondents of the Study

The researchers conducted interviews from different fields who have comprehensive knowledge of the law. They are experts that came from the executive, legislative, and judiciary branches of the government. From the executive branch, the researchers interviewed experts from the Commission on Human Rights. On the legislative branch, the respondents are experts in the legislative issues in the Senate of the Philippines. Lastly, from the judiciary branch of the government, they are Lawyers and Judges, who specialize in human rights and criminal laws.

4.15 Legal Data

There is a wealth of information available tackling the topic online which includes radical discussions and takes. The researchers also obtained access to primary sources from government websites and certified pages. However, since the article is dated back to 1930, the researchers included print materials coming from the National Library, Senate of the Philippines Library, and Legislative Library Archives and Museum of the House of Representatives. Though the resources on printed materials older than 1942 are scarce, there are commentaries and documents that were preserved to facilitate the reference by the few who have fortunately been saved from the war.

5. Results and Discussion

5.1 Whether Article 247 Is Conformable Apropos To The 1987 Philippine Constitution, The International Obligations And Laws, And Domestic Laws?

5.1.1 Revisiting the legislative intent of Article 247

There is importance in examining the legislative intent of Article 247 as it provides the essence of the provision being examined. It is notable that intent is the spirit of the law that gives life to the legislative enactment, fundamentally manifesting the reason why a particular statute was enacted by the legislature. Furthermore, in *Litex Employees vs. Eduvala*, it has been established that legislation "is an active instrument of government which, for purposes of interpretation, means that laws have ends to be achieved", consequently emphasizing that statutes are to carry out the intent vested up to its end and purposes.

Due to the dismal occurrence of the war, many of the original copies of parliamentary debates have been destroyed. However, there are still some kept efforts that facilitate the educational and legal rehabilitation of the Philippines which have discussed the intents of Article 247 through reference, to surviving editions of the debates on the Penal Code.

A book published by Agabin (2016), studied the historical implications of the Spanish colonial system in the Philippines and emphasized that in viewing the same, much of Spanish laws are based on Roman Law traced up to the Institutes of the Justinian. Referencing *Corpus Juris*, the effectual rigid conservatism in the law was brought by ancient Roman laws that were refitted to the creed of orthodox Christianity.

Laws were based on *lex* and *jus*, which influenced the facet of punishment and the theory of injury and liability (Durant, 1950). It was Ancient Roman belief that imposed the “*hitting back*” of the gods to individuals who imperil the peace and relation of the community. Priests bear autocracy during the period and they mold the law to have a great semblance on their religious ends and assent, which determined the rights of children and parents and the stance on abstinence from fornication, especially to women.

The purpose of Article 247 is rooted in the central principle of *patria potestas*. Under the principle, rights are attained through, and authority was vested in the highest living male ascendant. Children are found to seek strength and wisdom from the father, and he is considered to have domestic despotism. Familial honor is then tied to wives’ relations and daughters’ virginity and relations. Maine (1873) supplied the father’s intrinsic extent, to wit:

“The father had **the power of life and death over the children**, of uncontrolled physical chastisement, he could give a wife to his son or divorce his children or wife, or transfer them to another family by adoption, and he could even sell them.” *Emphasis supplied*

Gibbon (1776) accentuated that *patria potestas* weighed negatively on women. This is as shown in Roman laws, in Table V of the XII Tables:

“Women, even though they are of full age, because of the levity of their minds shall be under guardianship.”

“A man is appointed a guardian for any woman under his manus or potestas. Even when sui iuris, the woman is subject to the perpetual guardianship of tutelage.”

“Women are formally prohibited from executing most significant legal acts without the consent of their tutor.”

These are laws upon which Article 247 was rooted, predisposing women to be in perpetual guardianship of males in consonance with the principle of *patria potestas*. Roman jurisconsults reasoned that this is brought about by the inferiority of the female sex because of their mental and educational inadequacy.

Guevarra (1957), in his commentary on Article 247, has categorized the Article under “*Destruction of Life*” has noted that:

“A person acting under the circumstance described in the Article **is impelled by the impulse of so powerful stimulus as to produce in the actor loss of self-control**. Passion and obfuscation may be a **mitigating circumstances** (paragraph. 6, article 13).” *Emphasis Supplied*

He furthered that this Article is a remnant of the old barbaric laws that were adopted by the Philippines.

In the same way, Albert (1946) also stated in his annotation the liability of the parent(s) in the Article:

“The code has also established for **the parents who avenge their honor a very light penalty, which is destierro**, in comparison with that which corresponds to parricide or murder. In order that this privileged mitigation of penalty may take place, it is necessary that the father or mother who kills or inflicts serious physical injuries on the daughter or her seducer shall accomplish the same in the very moment of surprising the one and the other in the carnal act. The law considers **the parents in this case as having acted under an almost irresistible impulse**.” *Emphasis supplied*

It is then deduced that this Article was legislated for parents, who, having been surprised by their daughters in a carnal act, to be granted mitigation of their liability.

5.2 Revisions of the Penal Code

According to Felix (1948) in his account of La Reforma del Sistema Penal en Filipinas (The Reform of the Penal System in The Philippines), he recounted that in the reform of the Penal Code, it was said that it was motivated by the historical phenomenon of progress. He furthered that human activity is mutually exclusive with development and progress.

"Decía Pelletán que el trabajo acumulado sin fin al trabajo, constituye un capital social de la humanidad, y que este capital, aumentado constantemente por el simple hecho de la actividad humana, constituye su vez el fenómeno histórico del progreso, que según Leibnitz no es más que la marcha incesante del de cosas mejor y más completo. 'Desde luego puede afirmarse que el hombre tiende a su perfección, aunque va es preciso hacer constar que muy a menudo individuos y sociedades yerran sobre el término y los caminos que hay que andar. (47 Enciclopedia Espasa 845)." (Pelletán said that the accumulated work without end to the work, constitutes **a social capital of the humanity, and that this capital, constantly increased by the simple fact of the human activity, constitutes in turn the historical phenomenon of the progress**, which according to Leibnitz is nothing more than the incessant march of the better and more complete things. 'Of course it can be affirmed that man tends to his perfection, although it is necessary to note that **very often individuals and societies err on the term and the roads to be walked.**' (47 Enciclopedia Espasa 845)). *Emphasis supplied*

As the historical proponent and critique of the Penal Code imposed, it is noteworthy that in order to attain progress and relatively bring the law to perfection, shifts through human activity should be regarded.

Additionally, Alfonso (1948) also mentioned that the need for the revision of the Penal Code during has time was out of date and destroyed during the war. He also mentioned that the Penal Code remains until a more acceptable concept and beliefs are developed.

"El Código Penal Revisado supuso, sin duda, una gran mejora, ya que del anterior se expurgó todo lo que se creía caduco y obsoleto. Pero, como su propio título indica, sólo fue una revisión en la que --me parece-- ni el autor ni su padrino, quizá por la oposición que encontraron, se propusieron llevar a cabo reforma alguna que afectara a los principios fundamentales sobre los que descansan las nuevas disciplinas de la ciencia penal. Por ello, no es de extrañar que tal revisión fuera considerada como provisional y transitoria, como un compás de espera, como un plazo que duraría el tiempo necesario para que fructificaran y maduraran otras ideas y doctrinas más aceptables." (The Revised Penal Code meant, no doubt, a great improvement, **since from the previous one, everything that was believed to be outdated and obsolete was expunged**. But as its very title indicates, it was only a revision in which--it seems to me--neither the author nor his godfather, perhaps because of the opposition they encountered, **proposed to carry out any reform affecting the fundamental principles on which the new disciplines of criminal science rest**. Therefore, it is not surprising that such a revision was considered as provisional and transitory, as a waiting period, **as a time-limit that would last the time necessary for other ideas and doctrines that were more acceptable to fructify and mature.**) *Emphasis supplied*

Nonetheless, he stated that the Penal Code was made according to the present circumstances. With the existing laws during that time, the Penal Code was drafted to aid the needs of the current society.

"Me propuse hacer una revisión del Código Penal vigente para ajustarlo a las condiciones y exigencias de los tiempos actuales, pero también compilar todas las disposiciones penales dispersas en la multitud de leyes promulgadas, resumiéndolas, agrupándolas y ajustándolas a la clasificación." (**I proposed to make a revision of the existing Penal Code to conform it to the conditions and exigencies of the present times**, but also to compile all the penal provisions scattered in the multitude of enacted laws, summarizing, grouping and adjusting them to the classification). *Emphasis supplied*

Laws that are effective from one generation do not necessarily apply to another, and does not mean they should remain unchanged.

5.3 Reviewing the penalty

The penalty prescribed for serious physical injury inflicted under Article 247 is *destierro*. This is classified under a mitigating circumstance as enumerated in Book One, Chapter Three, Article 13 of the Revised Penal Code. It is understood to fall under a circumstance that mitigate criminal liability, to wit:

"6. That of having acted upon an impulse so powerful as naturally to have produced passion or obfuscation."

However, in *People vs. Araquel*, the Court has explained that *destierro* is not a punishment but rather a privilege and protection of the perpetrator.

“We, therefore, conclude that Article 247 of the Revised Penal Code does not define and provide for a specific crime, **but grants a privilege or benefit to the accused for the killing of another or the infliction of serious physical injuries** under the circumstances therein mentioned.” *Emphasis supplied*

5.4 Harmonization with the 1987 Constitution

The 1987 Constitution is the fundamental basis of rules and principles that sets the standard of how a state shall be administered. According to Article 3 Section 1 of the Constitution:

“No person shall be deprived of life, liberty, and freedom without due process of the law nor any person shall be denied the equal protection of the laws.”

5.4.1 Equal Protection

As specifically stated in Article 3, Section 1 of the 1987 Constitution, the equal protection clause supplies the people a safeguard against undue favoritism or hostility. With reference to multiple Supreme Court decisions, the equal protection clause focuses on the requirement that all individuals and things must be treated equally in terms of the privileges bestowed and the obligations placed upon them. As stated in *Ichiong v. Fernandez*:

“xxx

It merely requires that all persons shall be treated alike, under like circumstances and conditions both as to privileges conferred and liabilities enforced. The equal protection clause is not infringed by legislation which applies only to those persons falling within a specified class, if it applies alike to all persons within such class, and **reasonable grounds exists for making a distinction between those who fall within such class and those who do not.**” *Emphasis supplied*

In shedding light on provisions and their consonance to equal protection, this clause is vital especially when the assailed provision or law is touching unwarranted prejudice or partiality. It is primed that there shall be no undue favor vested on an individual or class, renouncing unjustifiable privilege.

Although it was enshrined in the case of *People of the Philippines v. Vera* that the equal protection clause has put a restraint on the three branches of the government together with the subordinate instrumentalities and subdivisions thereof, it encompasses private relations. Regardless of the atrocity, private actions cannot go against the equal protection guarantee. Therefore, civil and even familial issues are well-included in upholding the same. It is noteworthy that in *Yrasuegui vs. Philippine Air Lines*, the court held:

“xxx

The equal protection clause **erects no shield against private conduct**, however discriminatory or wrongful.” *Emphasis supplied*

5.4.2 Classification

The equal protection clause does not mandate that law be applied to everyone without exception. It guards against “undue favor and individual or class privilege as well as hostile discrimination or the oppression of inequality” (*Zomer Development Company vs. Court of Appeals*). The Supreme Court held in the case of *Garcia vs. Drilon*:

“The equal protection of the laws clause of the Constitution allows classification. Classification in law, as in the other departments of knowledge or practice, is the grouping of things in speculation or practice because they agree with one another in certain particulars. **A law is not invalid because of simple inequality.** The very idea of classification is that of inequality so that it goes without saying that the mere fact of inequality in no manner determines the matter of constitutionality. **All that is required of a valid classification is that it be reasonable, which means that the classification should be based on substantial distinctions which make for real differences.**” *Emphasis Supplied*

In *Victoriano vs. Elizalde Rope Workers’ Union*, the Supreme Court ruled that what the Constitution requires, in light of the equal protection clause, is equality among equals with reference to classification. It does not entail the universal application of the laws to all classes, because doing so would at times result in unequal protection.

The equal protection clause serves as a safeguard against arbitrariness at its most fundamental level. According to *People vs. Cayat*, every statute that makes distinctions between individuals and treats them differently as a result of those distinctions must be substantially related to a valid state interest. It further purported that such classification should conform to the following requirements:

- 1) It must rest on substantial distinctions;
- 2) It must be germane to the purposes of the law;
- 3) It must not be limited to existing conditions only; and
- 4) It must apply equally to all members of the same class.

For purposes of reviewing the Article in its consonance with the Constitution and its provided right to equal protection, arguments in the classification of "daughters" apart from sons are reviewed in the light of the mentioned requirements.

Substantial Distinctions

It is true that Congress has been given a lot of latitude in providing for the valid classification of groups. There is a long line of cases that levy scrutiny over laws or ordinances that has entailed a classification based on substantial distinctions.

The Supreme Court in their decision in *Ang Ladlad LGBT Party vs. Commission on Elections*, has demonstrated that they do not uphold archaic and stereotypic notions about gender as they reversed the decision of The Commission on Elections where they singled out homosexuals as a class distinct from the heterosexuals because of moral grounds. Another decision from The Supreme Court made an analogous ruling and deviated from the conventional belief that rape involves a woman's private organ (*People vs. Bonaagua*). Chief Justice Leonen has highlighted that even men could get raped, too, albeit the prevailing situation of jurisprudence wherein rape victims are women. In the same case, they have revisited the legislative intent of the legislature when the law seems to appear discriminatory. Correspondingly, a law that allows infuriated parents to inflict serious physical injuries on their daughters is rooted in archaic and stereotypical notions of limits to sexual liberation and independence.

A Supreme Court decision from the United States (*Personal Administrator of Massachusetts vs. Fenney*) bears stressing as they emphasized that in order to prove that the intent of the law was discriminatory, it should be shown that:

"The decisionmaker selected or reaffirmed a particular course of action at least in part **'because of not merely 'in spite of'**, its adverse effects upon an identifiable group" *Emphasis supplied*

It is implored that the legislative intent of the Article should be that its purpose is to harm the classified group. And although it does not directly state that it has a "purpose to harm" daughters, its intent was for the father to exercise complete dominion over his children, and vest honor in his wife and daughters, for which he has the power of life and death over. Such a stereotypical understanding of gender roles damages women directly, hence acting on it should be seen as having discriminatory intent.

Also, it bears stressing that as evidenced in *Mississippi University for Women vs. Hogan*, policy decisions prompted by stereotyping and archaic intent are proof of discrimination and render it constitutionally impermissible, albeit that there is no expressed purpose of harm towards the classified group.

Upon the recognition that honor legislation is on its own, a harm, towards daughters due to the prejudicial motives it inculcates, it then meets the intent implored in *Personal Administrator of Massachusetts vs. Fenney*.

Lastly, children, who are more inexperienced than adults, are considered to be more prone to imposition and temptation. Hence, they are inherently entitled to more significant protection. Women, on the other, are treated more tenderly by the law than men due to certain physical differences.

As stated in *People of the Philippines vs. Cayat*, G.R No. L-45987, "the classification rests on real and substantial, not merely imaginary or whimsical, distinctions. It is not based upon "accident of birth or parentage," as counsel to the appellant asserts, but upon the degree of civilization and culture." Purporting that, Article 247 and its classification of daughters infringe on the principles elucidated by the court.

Duration

Duration is the third requirement, which is understood that the classification must be enforced until the issue being addressed exists. The Court, in *Garcia vs. Drilon*, ruled that:

“The application of R.A. 9262 is not limited to the existing conditions when it was promulgated, **but to future conditions as well, for as long as the safety and security of women and their children are threatened by violence and abuse.**” *Emphasis supplied*

As declared by the Supreme Court, the levied penalty of *destierro* is not a punishment, but rather a protective shield for the infuriated parent(s). And although children still need guidance from their parents, as they are minors, absolute dominion, and male tutelage are considered to be archaic practices and issues, rendering the enforcement of the Article to be constitutionally dubious under the equal protection clause.

Further in *Rutter vs. Esteban*, the Court held that the continued enforcement of a valid law would be unreasonable and oppressive, as a consequence of significant changes in circumstances. As evidenced by the cultural shift, there has been “a significant change in circumstances” therefore rendering the existence of the Article as “unreasonable and oppressive”.

Additionally, remaining equitable conditions for the citizens is an obligation of the state to its citizens. This can be illustrated through the doctrine of *parens patriae*, in which the government, or any authority by the state, is considered the legal protector of its citizens, especially those who cannot protect themselves. Since civilization of people is a gradual process, it must go hand in hand with security and safety measures.

Besides protecting and promoting human rights, it is essential that people can realize the rights endowed to them without prejudice and discrimination. The conditions set forth by the laws are to avoid a future and unforeseeable event that may cause rights to be violated or destroyed.

5.4.3 Right to Life

The 1987 Constitution provided a framework aimed at the common good, liberty, and dignity and to reduce inequality for its citizens. Article 247 of the Revised Penal Code overlooks it. Every law around the world has protected the right to life. Without the right to life, there is no enjoyment of other rights enshrined in Philippine laws.

The researchers respectfully submit that the daughter clause of Article 247 of the Revised Penal Code is unlawful as it is inconsistent with the constitutional provisions that guarantee equal protection and the right to life and liberty.

As entrenched in *Villavicencio vs. Lukban*, Justice Mathews of the high tribunal stated that:

“The very idea, that **one man may be compelled to hold his life**, or the means of living, or any material right essential to the enjoyment of life, **at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself.**” *Emphasis supplied*

The daughter clause of Article 247 of the Revised penal code clearly shows that it is constructed on the discriminatory gender-based assumption that daughters are mere property of parents. The fact that it is the only daughters who – caught in sexual intercourse by their parents – can be inflicted with physical injuries shows that women are at the mere will of another. Moreso, having only the penalty of *destierro* when an act arises to such, to which it is deemed as a protection of the perpetrator rather than a punishment, only indicates the disrespect to the rights of minor women and that women are entitled to lesser rights than men.

It is thought to be of transcendental importance to preserve and defend the right to life. As the natural law serves as the foundation of the right to life, which is intrinsic to any legislation, customs, or beliefs. It comes before and surpasses all human authorities and laws.

Moreover, Article 3 Section 1 of the Constitution guarantees the right to be alive. It is essentially committed that each person shall not live a life of fear that any authority may violate his person and property. It is an ideal life with the government’s commitment to securing life and property. As *Secretary of National Defense vs. Manalo* states,

“The right **emanates in a person’s legal and uninterrupted enjoyment of his life, his limbs, his body his health, and his reputation.** It includes the right to exist and the right to the enjoyment of life while existing,

and it is invaded not only by deprivation of life but also of those things which are necessary to the enjoyment of life according to nature, temperament, and lawful desires of the individual." *Emphasis supplied*

The article imposes a double standard on what men and women should be with the norms specified for men. This creates an undue advantage to men in that they can be free to enjoy the facilities endowed without discrimination and prejudice.

5.4.4 Right to Liberty

Justice Malcolm also stated that the Liberty the Constitution ensures is:

"the right to exist and the right to be from arbitrary constraint or servitude. The term cannot be drawn into mere freedom from physical restraint of the person of the citizen but is **deemed to embrace the right of man to enjoy facilities with which he has been endowed by his Creator,** subject only to such restraint as are necessary for the common welfare." *Emphasis Supplied*

This only means that man is free to use his faculties and guarantees persons the right to make a choice in all lawful ways. Together, men and women are granted the same rights and must be free to enjoy their rights within the parameters of the law necessary to their general welfare.

The right to liberty is deemed the most comprehensive of rights and most preserved by civilized society. However, the consequence of Article 247 of the Revised Penal Code effortlessly creates a distinction between the roles of men and women in a society where women, despite being endowed with the same rights as men, are subjected to discrimination when it comes to sexual conduct, where, they must hold a higher standard of morality in a natural act of humans.

As claimed in *City of Manila vs. Laguio*, "The concept of liberty compels respect for the individual whose claim to privacy and interference demands respect." Liberty is deemed to be the core of human nature and enables us to live up to the highest ideals of conduct and personality.

Article 247 enables the parents to harm their daughters. It dictates a woman's deviation from the standard sexual or "moral" norm, who, caught in the act of sexual intercourse, are only sanctioned with a penalty of *destierro*. This illustrates the "good-bad woman" dichotomy in which the good is frequently associated with those who adhere to a society's norms and traditional standards. In contrast, the bad is linked to women who resist the typical and stand against the favored familial structure based on patriarchy.

Further strengthened in *Rubi vs. The Provincial Board of Mindoro*, G.R L-14078:

"Liberty itself, the greatest of all rights, is no unrestricted license to act according to one's own will. It is only freedom from restraint under conditions essential to the equal enjoyment of same rights by others." *Emphasis Supplied*

The same article raises the assumption that women should maintain specific sexual conduct and standards of morality while men can enjoy more freedom in some activities. This is distinctive and harmful to the enjoyment of the rights of women. This strongly suggests that men and women must hold a different standard of sexual conduct to society to earn equal respect.

5.4.5 Right to Due Process

It is also emphasized in our Constitution that no one has the right to take another's life. As stated in *Government of United States of America vs. Purganan*,

"The essence of due process is the opportunity to be heard but, at the same time, point out that **the doctrine does not always call for a prior opportunity to be heard.**" *Emphasis Supplied*

As reflected, the Article grants a benefit to the perpetrator who inflicts injury or, worse, kills their daughter without due process, which seems to be constitutionally infirm. Inflicting harm to justify the burst of the passion of a parent, with only a penalty of *destierro*, signifies that this provision is counterproductive and harmful to every minor female.

5.4.6 Substantive Due Process

Article 11, Section 14 of the 1987 Constitution recognizes the role of women in nation-building and shall ensure the fundamental equality of law for men and women. Efforts and movements have been made to support the equality of men and women. The Senate for Gender and Development, for instance, has integrated the principle through the use of gender-fair language enrolled

in bills, memorandums, and other legislative documents. This helps avoid bias toward a particular gender, reducing gender stereotyping and discrimination.

Furthermore, it is vital that citizens are free of control and oppressive restrictions imposed by anyone for the reason of one's life, behavior, or views. Persons are free to make their own choices without the expense of others and subject to the common welfare.

5.5 Legal Standing

Legal standing or *locus standi* as defined by the Supreme Court in *Ernesto Ching vs. Carmelita Bonachita-Ricablanca*, by citing *Association of Flood Victims v. Commission on Elections*, is, "a personal and substantial interest in the case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged." They have furthered that when specifying such interest, "[I]nterest' in the question involved must be material — an interest that is in issue and will be affected by the official act — as distinguished from being merely incidental or general."

The Supreme Court would only assume jurisdiction and assail constitutional questions only if the essential requisites of a judicial inquiry are already satisfied. It is then understood that there should be an actual case or controversy concerning a flagrant conflict of legal rights that shall be susceptible to judicial determination. It entails that in determining the validity of a statute, it must have been raised by the proper party, and the resolution of the question is necessary to the determination of the case (*Luz Farms vs. Secretary of Agrarian Reform* G.R. No. 86889).

According to Agpalo (1986), in dealing with constitutionality, it is a maxim of adjudication that it shall be avoided whenever possible. Further, in the case of *Sotto vs. Commission on Elections*, the Supreme Court held that:

"It is a well-established rule that **a court should not pass upon a constitutional question and decide a law to be unconstitutional or invalid, unless such question is raised by the parties** and that when it is raised, if the record also presents some other ground upon which the court may rest its judgment, that course will be adopted and the constitutional question will be left for consideration until a case arises in which a decision upon such question will be unavoidable." *Emphasis Supplied*

Since the daughter clause of Article 247 has not been the issue nor the very *lis mota* of a case, then the courts will not touch the issue of constitutionality. The Supreme Court would not then place it under judicial scrutiny. Again, the question of constitutionality requires that there be a *bona fide* case, raising a justiciable controversy.

The question of unconstitutionality will remain as an argument. As the state itself cannot question the constitutionality of its laws. The lack of advocates and parties would be a problem in raising this to the Court because the possible parties are lacking, for it would not be the parents or the state. The minors involved are presumed to be under the guardianship of their parents, or should the minor suffer death, the deceased may not raise the same.

With the power vested in the Philippine Congress to be able to alter and repeal laws, in circumstances where legal standing is precarious, the relief in repealing this Article may be done through the efforts of the Senate or the Congress (Legislative Publications Service of the Senate of the Philippines, 2022). Its remedy now then lies in calling the attention of the executive to notify the legislature, or for it to emerge from the legislative resolution to repeal or amend the law.

5.5.1 Compliance with International Obligations

The State, being a signatory of international obligations and treaties, has the duty to preserve the United Nations Convention on the Rights of the Child in its laws. Under this law, it provided that under Article 19, the state is expected to:

"**Take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence**, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child." *Emphasis Supplied*

This law emphasized the obligation of States to have proper laws in order to restrict all forms of violence, both physical and mental abuse, and implement measures to protect children. As the Convention on the Elimination of All Forms of Discrimination Against Women, described as the Bill of Rights of Women, states in Article I:

"(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women."

This provided the obligation and duty of the state on ensuring the policing and protection of women and children. Generally accepted principles of international law that are binding on all states such as a person's right to life and liberty and equality of rights is deemed to be incorporated in the Philippine's domestic system and have the force of domestic law as it contains the "character of *jus rationale*" which entail that it is "valid through all kinds of human societies" (Cruz, I. & Cruz, C., 2020).

The daughter clause of Article 247, is an evident example of a law that is not compliant with its international obligations on safeguarding the rights of women. The law still carries an outdated provision that justifies putting not only a daughter's life but also the spouse, in grave harm. Repealing the provision acknowledges the state's obligation in providing effective protection to women to redress their concerns.

5.5.2 Local Legislation

Any form of violence against children is repudiated by the issuance of Republic Act No. 7610 (*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*). To wit:

"Section 2. Declaration of State Policy and Principles. – It is hereby declared to be the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty exploitation and discrimination and other conditions, prejudicial their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination.

The State shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same."

It shall be ensured that the best interests of children shall have paramount importance and consideration in all actions involving them. The state recognized every effort to promote the general welfare of the children and the enhancement of their lives. Furthermore, the parents have an obligation to their children, as supplied in the Family Code of the Philippines, Article 220, (d) and (h). It states that:

- "(d) To enhance, protect, preserve and maintain their physical and mental health at all times
- (h) To impose discipline on them as may be required under the circumstances;"

Additionally, the law guarantees the protection of children from circumstances that threaten their mental, physical and overall growth. The parents have the obligation to protect and discipline their children as provided by Presidential Decree 603 or The Child and Youth Welfare Code. The right of the parents to discipline the child is clearly stated under Article 45:

"Article 45. Parents have the right to discipline the child as may be necessary for the formation of his good character, and may therefore require from him obedience to just and reasonable rules, suggestions and admonitions"

Moreover, the protection of women and children through useful legislation is strengthened through the Violence against Women and their Children Act. It provides the protection of women and children from any form of violence. It is stated that:

"The State shall ensure that **all women shall be protected from all forms of violence as provided for in existing laws.** Agencies of government shall give priority to the defense and protection of women against gender-based offenses and help women attain justice and healing. Towards this end, measures to prosecute and reform offenders shall likewise be pursued" *Emphasis supplied*

Likewise, Republic Act No. 9710 or Magna Carta for Women affirms discrimination against women as to:

“Any gender-based distinction, exclusion, or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.

It includes any act or omission, including by law, policy, administrative measure, or practice, that directly or indirectly excludes or restricts women in the recognition and promotion of their rights and their access to and enjoyment of opportunities, benefits, or privileges.

A measure or practice of general application is discrimination against women if it fails to provide for mechanisms to offset or address sex or gender-based disadvantages or limitations of women, as a result of which women are denied or restricted in the recognition and protection of their rights and in their access to and enjoyment of opportunities, benefits, or privileges; or women, more than men, are shown to have suffered the greater adverse effects of those measures or practices.

Provided, finally, that discrimination compounded by or intersecting with other grounds, status, or condition, such as ethnicity, age, poverty, or religion shall be considered discrimination against women under this Act.”

This article clearly disregards both international obligations and local legislation. Even with the enactment of the Magna Carta Act (2009) which provides the recommendation for the repeal of discriminatory laws, progress regarding this Article has been reflected to be futile as evidenced by congress bills enumerated hereinafter.

5.5.3 Congress Bills

There are numerous bills passed by both the Senate and House of Representatives to repeal Article 247. Their explanatory notes highlight the perils that the Article imposes on women, children, and society.

As stressed by Senate Bill 568 introduced by former Senator Miriam Santiago, she discussed that:

“The **unfair gender-based presumptions in above provision clearly legitimized honor killings which are no longer morally accepted in this age.** The obsolete provision grants two privileges - first, exemption from punishment to a legally married person or parent who shall kill or seriously injure his spouse or minor daughter in the act of committing sexual intercourse with another; and second, protection of the accused from acts of reprisal or retaliation from the victim’s family members, via the imposition of destierro or banishment.” *Emphasis Supplied*

“This suggested that **the society allows men to have the liberty to partake in any sexual conduct without consequence while women have to maintain a certain conduct.**” *Emphasis Supplied*

This is further supported by Senate Bill 1410, introduced by Grace Poe. As she elaborated that:

“The effect of the perpetuation of unfair double standards prejudicial to women, as well as the antiquated notion that daughters are merely the property of their parents.”

“This bill advances a more progressive way of looking at family life. **It is high time to stop treating marital and family ties as licenses to kill or injure. There is no reason to retain this provision in our statute books.**” *Emphasis Supplied*

Progressive groups and representatives from the House of Representatives, as introduced by Rep. Brosas, Rep. Castro, Rep. Elago, Rep. Callumat, Rep. Gaité, and Rep. Zarate, introduced House Bill No. 1141. It affirmed that:

“1) It violates **Article 11, Section I of our Constitution which prohibits the taking of life without due process of law.** Article 247 allows spouses and parents to take life under exceptional circumstances without due process. The decision to take life is placed solely on the persons "benefited" by the article;

2) **There are preposterous gender-based assumptions contained in the article which reinforces the double standard applied to women and men in terms of their sexual behavior and morality.** This is very clear in that only parents of minor daughters can claim the "benefits" of this article. The same gender-based assumptions are also present with respect to killings committed by spouses. Although both husband and wife are entitled to the "benefits" of the article, almost all cases decided by the Supreme Court, with the exception of the 1934 case of Corazon Zamora de Cortez

(who admitted to the killing of her husband's paramour when she caught them in the act of intercourse), show that the killings under exceptional circumstances are carried out by husbands; and,

3) **The article violates international conventions and domestic laws**, as follows, to cite only a few: Convention on the Elimination of Discrimination Against Women, Convention on the Rights of the Child, RA 7610 and RA 9710.

In sum, **immediate repeal of Article 247 of the Revised Penal Code will protect and preserve life, protect children, and promote women's rights and gender equality.** *Emphasis Supplied*

Moreover, in House Bill No. 1451, introduced by Rep. Neri Colmenares, and Rep. Zarate, they advocated for the repeal of the law and provided an explanatory note, to wit:

"The fact that the law merely focuses on the daughter and not the son only shows the discriminatory and feudal frame of mind of the authors of this obscurantist law. Worse, the law even vaguely provides that it applies not only during sexual intercourse but also "immediately after" sexual intercourse, **which practically allows for the killing even if it is no longer sure that a sexual act has indeed been committed.**

While adultery and concubinage is punished with imprisonment under our criminal laws, Art. 247 transforms the same act into a criminal offense punishable by death merely because the sexual act was seen by the parent or the spouse. Some may argue that the passion, obfuscation and the insult suffered by the parent or the spouse provided the spouse is "legally married" to the person he or she will kill] justifies the exemption from penalty. However, **insult or passion must never be a license to kill.**

Art. 247 is, in reality, a de facto state-sponsored death penalty against an unfaithful or the disobedient and therefore inconsistent with the statute suspending the death sentence. Worse it is discriminatory, not only against female daughters, but also against non-marital relationships when they too are protected under our laws. But what makes it unacceptable is because it perpetuates the use of State power through criminal laws to define and redefine relationships, where the State engages in legal discourse to control how much love is available for whom and what reactions there should be when embroiled in such situations.

This Bill has no intention of encouraging acts of infidelity not only because these acts remain punishable under our criminal laws and are also subject of civil liabilities under our Civil Code but also because it should not be relevant to the issue of parricide. Rather, **the Bill seeks to discourage murder, especially the murder of a daughter by a parent or the murder of a spouse by the other.**

By repealing this law we are not only encouraging parents and spouses to resolve intra-family problems in a non-violent manner but also eliminate this discriminatory and unjust law and gradually move forward in efforts to reforming our criminal laws. For this reason, the repeal of this medieval provision of the Revised Penal Code is highly sought for: Art. 247 must be struck down." *Emphasis Supplied*

Perpetrators of the most heinous crimes like murder, treason, and others cannot be deprived of their life and liberty without going through a trial. It is then a disconnect on when daughters who are assured of their rights and protection can be summarily executed.

5.6 How Just And Contemporaneously Apt Is Article 247 With The Nation's Culture?

By utilizing segments two and four of the study, there have been 10 themes generated from the interviews with experts.

The viewpoint of the experts on the justness of the Article has been abridged into two key themes. They have claimed that it (1) perpetuates patriarchy and (2) unequivocally sets gender discrimination and violence.

5.6.1 Perpetuates patriarchy

Respondents of the study have voiced out their concerns about the Article and how it immortalizes and reflects a patriarchal reach. They have highlighted that the Article is only beneficial to the male gender, and granted privileges to the same. Additionally, they vocalized that the Article continuously implored the dominance of males in the familial sphere. Some illustrations of it are:

"Husbands think that they own the wife and their daughters." - **Human Rights Lawyer and Expert**

"It treats women and men differently. It views women and girls as properties of their men and excuses the violence and outburst of men to the detriment of women's access to justice. In fact, it is very reflective of the bias in society bias because, it is favoring the perspective of men favoring their anger, favoring their perceived ownership over the women in their lives, and giving excuses of it in the law that they can act violently if their egos are hurt." - **OIC Center for Women and Children's Rights**

"Tanong ninyo 'yon sa mga lalaki. 'Pag menor de edad yung anak (daughter) nila, 'pag nakipag-s*x yan, gusto nilang patayin o bugbugin pero 'pag yung anak (son) nila, sinusulsulan pa nila. [Ask the men. If their child (daughter) had s*x, they want to beat them up or kill them, but if their child (son) committed the same, they would even instigate it.] " - **Judge C.**

5.6.2 Unequivocally sets gender discrimination and violence

It has been emphasized that there is a derogatory distinction inferred in the Article, disfavoring daughters mainly because of their gender. Moreover, it has placed a tolerance for the violent nature of man. Several of their takes are:

"I think the law is very explicit. It's only on daughters. The standards, hindi [not] equal or the fact of ang [the] large population of its victims are women. Both on how the law phrased and the outcome of this law, hindi [not] equal ang [the] men and women." - **Judge C.**

"Specified and expressed. Walang gender equality kumbaga. Kung meron man, yung Article mismo, outdated. Even though add mo ang kalalakihan doon sa batas, using the "destierro shield" na yan eh wala rin, paatras lang. [There is no gender equality. If there is, the Article on its own, is outdated. Even though men are added on the law, with the destierro shield, it is nothing, it is only regressive." - **CHR Education and Training Division**

"Precisely targeted pag babae lang eh, so maling mali yun. [Precisely targeted are women, so that makes it very wrong." - **Senate Legislative Parliamentary Service**

Moreover, it has placed a tolerance for the violent nature of man, notably:

"I don't like about article 247 is it gives the men in the lives of these women the right to act as supposedly in defense of this women and because of their act in case that they hurt thus, the person that should a woman is with or that her child actually then there will not be- the criminal liability is actually very low because it seems as if that the emotional outburst of the father or of the husband is being given much premium and it's being excused by the law that it's legitimate that you should feel that kind of anger and it's legitimate that you should feel that kind of desire to hurt and injure, and that in case that he is able to injure, hurt, kill the wife or the daughter then the law says that it is something that should be excused and for us- for me, that limits the right to security of the woman and her freedom from violence because right to security means that you have the right to be free from any form of violence." - **CHR Education and Training Division**

"In fact, it is very reflective of the bias in society bias because, it is favoring the perspective of men favoring their anger, favoring their- their perceived ownership over the women in their lives and giving excuses of it in the law that they can act violently if their egos are hurt." - **OIC Center for Women and Children's Rights**

"The killer should be penalized instead of being protected. Napaka-unfair 'yan do'n sa mga- do'n sa biktima saka relatives ng victim na pinatay yung anak mo tapos po-protektahan pa siya. Ano, bini-baby pa siya na pumatay na nga siya ng tao? [It is so unfair to the victims and the relatives of the victim that was killed. You killed your child and then you're the one who will be protected. What? You're still being babied? You're the one who killed a person.]" - **Judge C.**

While on the contemporaneous aptness of the Article, they have shared common views on the Article being archaic. Various experts also pointed out that its only relevance lies in its repeal.

5.6.3 Article 247 of the Revised Penal Code is archaic

As the study probed the relevance of the Article and its contemporaneous aptness, it was heavily underscored that the Article is a reflection of old barbaric laws and feudal systems which are no longer applicable and in synch with the current culture of the Philippine society. A number of elucidations are:

"It's not relevant today because we are no longer feudal. We are in a modern society. No rights, it's feudal, it's frozen in time." - **Human Rights Lawyer and Expert**

"May mga laws na tayo [We have laws] that sees women and children as autonomous individuals, and not properties by anyone or anybody, so kung [if] in terms of relevant, hindi na, not at all, kasi nga in light of policies that upholds dignity of women and children, itong [this] Article 247 na to, is no longer in sync with those legislations" - **CHR Academic Research Head**

"It's very outdated and it's very discriminatory against women and it's a remnant of our colonial past." - **OIC Center for Women and Children's Rights**

"It is no longer in harmony because precisely it promotes violence and violence now is frowned upon the modern society. So there are other remedies for that kind of that kind of— in case it is perceived as some kind of violation or wrong. There are other remedies for this kind of activity or infringement." - **Senate Legislative Parliamentary Counseling**

5.6.7 Relevance only in its repeal

It is highlighted that the only relevance of Article 247 today is the need for its repeal. There is no jurisprudence that used the daughter clause of the article; only the existing and the most recent case is dated back to the year 1980's. It is further quoted:

"I think the article should be altered. Meaning modified — but we do not need to wait for other social developments to happen. We can have it repealed now if the senators are also inclined having it repealed and I'm sure some kind of lobby should be done so the congressmen and the senators are actuated or parang prompted to do it kase of course of some senators are not perfect somebody should be a representation of the proper or maybe the chairman of the committee of women and children of the senate and the house so they can start the poll. - **Senate Legislative Parliamentary Counseling**

"Yung mga old case pinaka-latest, mga old case lahat 'yan eh. Kasi nga, hindi na- bihira lang 'yon mahuli mo, papatayin mo. Baka bugbugin mo siguro, pwede. Pwede pa 'yon. Bugbugin. Suntok. Pero, kukuha ka ng kutsilyo, pagsasa-saksakin mo? Kasi kung wala nang killer instinct, hindi mo gagawin 'yon. 'Di mo gagawin 'yon. [The latest one would be an old case. It is not a usual case anymore— maybe you can beat them when you see them, but its a very unusual case. Beat up. Punch— maybe. But you get a knife and stab them to death? It is not unusual to have a killer instinct anymore. You don't do that anymore.]

It to ha, mas barbaric ang tao dati. Kaysa ngayon. Dati magkamali ka, saksakin ka. Kahit ako, yung nasa college ako dati, gano'n 'pag yung- may mga- may mga lahi. 'Di ko na babanggitin baka magalit sa'kin. [People are more barbaric than before. When you commit an offense, you will be stabbed. Even when I was in college, that is how other races deal with things. I will not mention anyone anymore, they might be angry.] - **Judge C.**

In the same light, this finds relation to the ideologies of the law. It supports the experts' thoughts on what the law should be and how Article 247 is misaligned with it. It weaves a foreground that signifies how it does not conform to what the law ought to be. They further highlighted the purpose of the law and created a link with its historical roots. As stated:

5.6.8 Law is clothed with power

"It's a regulation tool by the state." - **CHR Academic Research Head**

"Dapat mayroon kang karaniwan pagsunod o 'di pagsunod na nakabatay doon sa sinabi nung batas" [There should be a system of what to follow and what to avoid based on the regulations of the law.]- **CHR Education and Training Division**

"Setting order a way of promoting the welfare of the society, a way of protecting rights" - **OIC Center for Women and Children's Rights**

5.6.9 Law is historically gendered and oppressive

"Sometimes it is also able to perpetuate inequalities, and there are times that the law itself is also able to perpetuate inequalities and there's need to change the law so that it is quietly more just and more equal and we have seen that in the way that the law has treated marginalized groups of people, indigenous peoples, women, girls.

If you look at how the law has treated women for this time in history, we'd see that the law does not recognize women as an equal before the law. So it only recognized men as those having the capacity to and act, to dispose of property,

and women were seen as objects of the law. So in that sense, law is very much bias in its history and it is only through the engagement of many activists, women's human rights organizations, those working for the marginalized that the law itself was able to change in the same way that the Revised Penal Code is very very old law it has its own history. So you cannot look at the law as something that is outside of its context you cannot say that the law is up there, it's going to govern, it's gonna be just and fair.

It has a colonial history. It is- we traced it from our Spanish occupants, and so we also know the moral code of the Spaniards. It's very patriarchal." - **OIC Center for Women and Children's Rights**

5.6.10 Revised Penal Code incorporates retributive and restorative justice

"(Article 247 of the Revised Penal Code helped in) Identifying those who violate rules and making sure they rehabilitate including punishing where appropriate." - **Human Rights Lawyer and Expert**

"(Article 247 of the Revised Penal Code) Lists of offenses that could be against persons, against property, etcetera, and it's for the purpose of protecting the society and law functions that way" - **OIC Center for Women and Children's Rights**

"So it has a function, and calls it sometimes "retribution" or punishment others are deemed "restorative" so it could be — it could also help in a restorative aspect meaning to restore a convict to become normal, you know — be free again, be part of society later on. It also has a retributive aspect, meaning to punish the offender because under the theory of law that we have now, under the Revised Penal Code "men are conscious of their acts and if they violate the law, they should be made liable for it." so they should be penalized." - **Senate Legislative and Parliamentary Counseling**

5.6.11 Legal norms have a binding power and an obligatory nature

"Maybe, I am going to emphasize about legal norms, right? Contrast to moral, ethical and religious ones— legal norms. It may have this coercion. It has the ability to regulate behavior. Since it has compliance mechanism in place" - **CHR Academic Research Head**

"Well, they're all norms means they're all mandates, but the legal norms is mandated by the State, religious norm is mandated by God or by the authorities that God has conferred that authority. Customary norm is mandated by custom, by society. Ethical norms is mandated by yourself, your conscience. Their difference in their sources. Legal norms is on Law, Moral Norms based on conscience, Religious Norms is based on religion." - **Human Rights Lawyer and Expert**

"In legal norms when there is a violation, the violation could be proceeded — actionable and the perpetrator could be proceeded against. Unlike religious norms, usually it is only penance. For moral norm, estrangement of other members of society but law can cause incarceration in some cases like in Article 247." - **Senate Legislative Parliamentary**

5.6.12 Manifestation of morality in the law

"Yes, on mine . . . , I think it's more of the time from would they catch up with one another? For example, there is an instance in a particular time period, legal norms are more progressive than moral norms. I cannot think of a law for example . . . it is international, the Brown vs. Board of Education in US before, I think that was 1950's? The legal norm was that blacks and white students must be segregated in same schools. Same facility, same school, same everything when it comes to education but during that time, the moral norms at least for so many Americans, segregation should be between white and black students, so that's one, that's one example of legal norms still needing to catch up with the moral norms . . . another example; discrimination, but more on SOGIE, our sexual orientation, gender identity expression . . . the laws we still do not have legal norms that reflects the growing acceptance of these groups . . . so these things the time period, that can be these two are catching up with one another." - **CHR Academic Research Head**

"Laws are made based on the morality of men. That is the roots of the laws we use today . . . not all moralities must be legislated. So I am in the middle of saying yes and no, but most of laws were actually pressed actually on the idea of morality. Our general acceptance with morality . . . is the source of why we have laws. But not more of our laws coincide with morality. Most of our laws did not come from morality. Just like this Article for instance. For example I'm looking into morality, applicable with other persons, individuals, communities. When it comes to morality, it is almost the same.. According to Voltaire: "through morality is universally acceptable morality that all sex are different, because they come from men and morality is everywhere the same because it comes from God laws were not actually across with some states." - **CHR Education and Training Division**

"When you say could or could not coincide, they could be diverse but for me, it's how one aspect actually influences another one. So you cannot say you cannot just separate them because more of the often times they are impacting on each other, and it depends on who holds the power and who creates the law. But definitely, for me, it's clear that in many way- in many instances,

moral codes moral precepts often get into the law and it often is to the detriment of those who are more vulnerable and marginalized because of these moral precepts that are supposedly separate.” - **OIC Center for Women and Children’s Rights**

5.6.13 Existing relationship of legal norms with other norms

“Pagkakaroon ng batas, were actually motivated by moral principles at saka ethical and religious obligations” [In having laws, we are actually motivated by moral principles and ethical and religious obligations.] - **CHR Education and Training Division**

“You cannot look at a law in isolation from its context, political, economic, cultural and ah, what is being accepted as legislation by a particular society is reflective of what is acceptable for that particular society whereas for example, in the Philippines up to now, abortion is penalized and considered illegal. In other parts of the world, it’s legal, so it’s a view as well that shows us how moral concepts and precepts and religious concepts are actually impacting or affecting the kinds of law that are being passed. The reproductive health law looks at a basic right of a person, a woman especially to control her own body. It took three, almost three decades in the country to pass and only because of the resistance the- because of the religious resistance, and that is how we see that there are many ways that even if the law is supposed to be protected from other standards, moral or religious, most of the time it is always infused and influenced because the drafters of the law they have their own ideologies and this ideology often sees the kind of legislation that gets passed” - **OIC Center for Women and Children’s Rights**

5.7 How Does Article 247 Pose Repercussions On The Rights Of Minor Women?

Extracting the statements from segments three and five of the study, there have been eight (8) themes generated from the interviews with experts.

5.7.1 Deprives the rights of daughters

As the rights of daughters are put into the spotlight, the experts commiserate with them and expressed their view that Article 247 is oppressive to daughters as it grants an excuse to parents while it deprives their daughters of security and liberty; which is antithetical to the rights provided by the state. In the same breath, experts have indicated that it connotes a certain level of gender entitlement and puts a premium on the virginity of daughters. Distinguished statements are as follows:

“It violates yung [the] freedom of the women and children expressing themselves because they have to maintain this standard of morality. If you are a woman, you have to set this standard of morality that you cannot have sex or it’s not proper to have sex with other man or other than your spouse, you cannot have it also before getting married. So, while these people think that a man should do these acts, it’s okay because they’re men, it’s manly for them, even at a young age.” - **Congress Gender and Development**

“[The article is] offensive to the Equal Protection clause, especially the Daughter clause there because pag babae lang na bata yun lang pwede mag operate ng 247 pero kung lalake so parang [if it’s only a minor female that 247 operates in, so if it’s a minor man], 247 suggests that the parents can kill the daughter and sa [on] 247 if the parent kills a son who is under 18 that would fall under the category of parricide as a crime, oh so parang [it’s like] the law allowed the parents the patria potestas to kill in case the circumstances fall under the Article 247 of the Revised Penal Code so it could appear to be violative of the Equal Protection Clause.” - **Senate Legislative Parliamentary Counseling**

“It gives the men in the lives of these women the right to act as supposedly in defense of these women and because of their act in case that they hurt [them], thus, the person that should a woman is with or that her child actually [commits the act of sexual intercourse] then the criminal liability [of the perpetrator] is actually very low because it seems as if that the emotional outburst of the father or of the husband is being given much premium and it’s being excused by the law, that it’s legitimate that you should feel that kind of anger and it’s legitimate that you should feel that kind of desire to hurt and injure, and that in case that he is able to injure, hurt, kill the wife or the daughter then the law says that it is something that should be excused.” - **CHR Education and Training Division**

“It violates right to life, it violates safety, it violets even in the sense it also contradicts yung ating [our] RA 9262 diba? [right?]” - **CHR Acadmic Research Head**

“Right to life, liberty or property, life to life without taking our life without due process of law is not right in all circumstances.” - **Human Rights Lawyer and Expert**

“Also, this article 247, it gives more importance to the socially constructed concept of honor. This should be abolished in our modern days because in a human rights perspective it disregards actually the fundamental principles like a human rights, moreover, the dure process in the article — it destroys the idea of due process” - **CHR Education and Training**

Division

5.7.2 Perpetuate the idea that daughters are mere properties of parents

Another significant theme that arose from the data is that the Article 247 is reflective of the notion that daughters are projecting and objectifying daughters as their parents' possessions. Statements enumerated below:

"The words – I mean, like properties of parents. So there. . . and also, the children's rights – conditions on the rights of the child. They state that children, kids are autonomous individuals" - **CHR Academic Research Head**

"Where women and children and daughters particularly were seen as possessions of fathers" - **Human Rights Lawyer and Expert**

"Because there's still the underlying value here is that men- is that women and girls, wives and daughters are seemingly properties or under the protection of the fathers." - **OIC Center for Women and Children's Rights**

5.7.3 Penalty is not commensurate to the crime

It is also highlighted that the provided penalty of *destierro* is not proportionate to the harm that could possibly be inflicted on the daughter and her paramour, which is serious physical injury. They have pointed out that the law should protect the victim and not the perpetrator.

"For the fact wala taytong [we do not have] death penalty but in this case of article 247 ng [of] RPC it allows the victims to be killed without due process, the penalty is not equal to the crime committed." - **CHR Academic Research Head**

"Killing is immoral and yet you will be protected? Ako [me], in my opinion, reducing the penalty is okay. In other countries, there are countries where the law considered the killing under the circumstance that you surprise your wife in the act of having sexual intercourse, that is a mitigating circumstance, meaning, the penalty will be reduced. But to protect the killer instead of penalizing him, despite of the fact that he committed something which is immoral and not fit, for obvious reason. That is just a protective measure which is designed to protect the acute from possible retaliation from the relatives of the victim." - **Judge C.**

"If you still have judges and prosecutors and lawyers would think that men should have power over their women and girls, they will always say that she had it coming, and they will not sympathize with the woman who was a victim and who was killed because their moral concepts and precepts will be affecting the way that they handle the case. " **OIC Center for Women and Children's Rights**

" I think law should not be punitive to minor women that's my — instead of penalizing them, they should be reformed by counselling or guidance, other penalties other than violent penalties." - **Senate Legislative Parliamentary Counseling**

"Ang prinitoktahan niya yung killer, hindi yung bata." [It protects the killer, not the child.] - **Judge C.**

In relation to the mentioned ensuing consequences that daughters encounter because of Article, it has also brought forward the inconsistencies of the law. These factors cogitate the discrepancies of foundation and project a sweeping domino effect not only to the lives of minor women but also in the development of the society.

5.7.4 Laws should not be gendered unless needed

"The state should not discriminate against women, discriminate is to restrict, exclude, make distinctions in the enjoyment of rights on the basis of sex or gender in the basis of sex and gender." - **OIC Center for Women and Children's Rights**

" .."men kasi sya" naglelead kasi honor nila. Although hindi tinataackle yung honor for women lalo na pag ganyan. " [It's because he's a man. Although honor for women is not tackled in cases like this] - **Congress Gender and Development**

"You don't just look at what to give to men you also give it to women what it requires is there should be or it should be guided by the principle of substantive equality. When you say substantive equality, it looks into the material to the differences of women and men and also addresses that kind of inequality.

You do not pass a law that is gender neutral. You have to be very conscious that society is already unequal and you have to create means to address that inequality. And, that's the only way that you can effectively pass a law that protects the rights of women and

girls because if you do not recognize that the situation is unequal already and you just passed measures that treat women and girls the same as you would treat other individuals then you are unable to address the structural inequality in society.” - **OIC Center for Women and Children’s Rights**

5.7.5 Change in culture accordingly demands reformation of laws

“We are not in the same culture as before, when tooth for a tooth; eye for an eye was the custom. We are now civilized people – and when it comes to moral norms it affects the morality of man. This article tolerates unforced remission among women.” - **CHR Education and Training Committee**

“As I mentioned earlier, it affects stereotyping but in morality, I was thinking if intended to maintain the high standard of morality for women where you shouldn’t do. It will just give reason or excuse to kill. You should maintain your loyalty, or faithfulness to your husband. And as daughters, you should protect the family surname, so you shouldn’t do that until you get married. Since passed years ago the morality at that time is different from the moralities today.” - **Congress Gender and Development**

“Because law follows morals. Reason why there is law because in the beginning— in Mesopotamia there no laws and standard norms— they only begun writing law in 2500 BC and there already exists a religion and so there may exist moral norms already because it usually comes from divine being or something like that, that people believe. So it is usually moral norms that affect the law and of course the modern days affect the laws but originally it was moral norms that affected the creation or even the caused the creation of law because they thought that moral norms could not be enforced. Because statutory law is backed up with sanction by imprisonment, by incarceration, by fine.” - **Senate Legislative and Parliamentary Counseling**

It has also been a sentiment of the experts that the mere existence of the Article unpacks the lack of progress in the Philippines and the deficiency in reviewing laws that aid in safeguarding the rights of women.

5.7.6 It signifies a lack of development

“Hindi tino-touch ng ating legislature. It’s a sign of underdevelopment, underdevelop ang ating lipunan once na hindi tino-touch ang mga ganitong pressing issues diba?” [Our legislatures do not discuss these kinds of matters. It is a sign of underdevelopment. Our country is underdevelop once we do not take action on these kinds of pressing issues.] - **CHR Education and Training Division**

“Laws have the power to affect the development of norms. First, you would see the relationship in that the moral norms in society affect the way and the kind of laws that are being drafted..” - **OIC Center for Women and Children’s Rights**

5.7.7 Constraint in adapting to the liberated and civil society is misaligned and oppressive

“As if cheating is commensurate to killing and as if it’s having sex and you are young and you are still, a minor is also conventionally to inviting yourself to be injured by your own father.... Not only to amend laws that are discriminatory but also to change, harmful, cultural norms and stereotypes that discriminates against women. So there’s a more bigger project of changing attitudes that are discriminating not only to women.” - **OIC Center for Women and Children’s Rights**

“Because times are changing and the values are changing... somehow it is sad because of that but this is the reality eh.” - **Congress Gender and Development**

“It signals that we have not transcended the parang archaic age—stone age, parang stone age pa yun. This curtails oppression.” - **Senate Legislative Parliamentary Counseling**

5.7.8 Legislation should promote rights of minor women

“There are 4 principles of children rights that is needed to be, that are needed integrated in every law. The principles of basic human rights, example, the right to life, the right to dignity.” - **CHR Academic Research Head**

“A law should not discriminate any gender whether women or men.” - **CHR Education and Training Division**

“It should be a law that keeps minor safe.” - **Human Rights Lawyer and Expert**

“Of course it does not fall under the definition, it does not protect the rights of women because it’s discriminatory” - **OIC Center for Women and Children’s Rights**

“So any law that is discriminatory against women should not be passed at all.” - **OIC Center for Women and Children’s Rights**

"You don't just look at what's- what to give to men you also give it to women what it requires is there should be or it should be guided by the principle of substantive equality." - **OIC Center for Women and Children's Rights**

"Even if its underage or in legal age we should empower them to recognize that they are part of the society and not just a woman." - **Congress Gender and Development**

"This doesn't. It doesn't safeguard, safeguarding is the keyword now. Minors should be safeguarded and this doesn't do that."- **Human Rights Lawyer and Expert**

"I think this article, they're protecting the rights of the wife and daughter to be used or abused to prostitutions for other, because nowadays there are rampant people." - **Congress Gender and Development**

5.8 How Should Article 247 Be Addressed In Order To Undertake The Legal And Societal Quandary Of Article 247?

In addressing policy reform, experts have reiterated the power that individual and collective petitions and movements have. It is in correlation with the reciprocal and shared responsibility of the state and its citizens in attaining development in the nation. Hence, upon the interviews, answers are segmented into seven (7) themes. In the same breath, Article 247 is strongly recommended for repeal.

5.8.1 Advocating development through individual participation

"We contribute though indirectly through taxation and again, there is really no doubt that individuals are really influenced by the development of the locality" - **CHR Academic and Research Head**

"Anyone can make a change." - **CHR Education and Training Division**

"Oo naman. Through social media. [Of course. Through social media]" - **Judge C.**

5.8.2 Engagement in collective movement to advance change

"So there's that power of the individual that I believe in but there's also the power of collective action because individually we can only do so much but collectively when we work together as an organization, but as a movement we can achieve better things and we can create structural changes in society" - **CHR Academic Head**

"No matter if you're just one person you can actually create a change...even if you're not politically inclined there are many ways that you can influence the development of your country by the things that you do, what you contribute to your community, to your family, to your society, to the institution you are in if you're in a school you can always create changes for better justice system, better way of life, better enjoyment of rights of individuals"- **OIC Center for Women and Children's Rights**

"An individual would want to participate like not really for the whole city but on the specific community that one lives in. So it could be." - **Congress Gender and Development**

5.8.3 Authorities' vested obligation to champion change and development

"Citizens need to lobby authorities to do the right thing." - **Human Rights Lawyer and Expert**

"We always have the government as duty bearers and the citizens as rights holders so it's the obligation of the state as a signatory to all the treaties" - **OIC Center for Women and Children's Rights**

"Because they have the authority, they made the ordinances, or the policies in the cities but also the people who live in that community could also help the committee a better place because it should be a mutual work for the people" - **Congress Gender and Development**

5.8.4 Citizens' and authorities' shared responsibilities in community building

"So it's like the sight that these two, the citizens and authorities. There seem to be interrelated, indivisible, and co-independent. It is in a democratic society like ours." - **CHR Education and Training Division**

"The responsibility, I think would lie in both because both completely complement the society, meaning they compose society." - **Senate Legislative Parliamentary Service**

“So dapat ‘yan, magtutulongan. Back up lang ang authorities eh. Back up lang ‘yan eh.” [We need to work together. The authorities are merely a “back-up” for citizens (in order to live in a better place)] - **Judge C.**

5.8.5 Article 247 should be repealed

“Yes. Repealed. Not altered, repealed. Because it violates women's and children's rights.” - **CHR Academic Research Division**

“Yes, of course because it is the obligation of the state. It should not be up to women’s movements who have limited resources and NGOs who have limited resources to lobby for a particular measure. It should not be up to them to push for changes in the legislation.

The government because it has the obligation and the CEDAW, it should already act. Andami- dami ng ating Congressman, Congresswomen ang daling magpasa ng batas for them [we have a lot of Congressmen and Congresswomen where it is very easy to pass these kinds of laws] and they should use their position to be able to change this discriminatory provision.” - **OIC Center for Women and Children’s Rights**

“I think the people of authority should address more measures. If you want to be more precise the senators and congressmen should enact these laws or even — certain provisions of the Revised Penal Code to make it more in line with the bill of rights which gives equal protection clause so people in the judiciary should interpret it kase the supreme court cannot change the law but it can change the quotation of that law. So in the best possible manner they can give it a more favourable or reflective of the Equal Protection Clause.” - **Senate Legislative Parliamentary Counseling**

“Congress should address this. Should re-examine this provision. Because only the Congress- only Congress can do that. That is a matter of legislation so you have to either repeal or amend the Article 247 of the Revised Penal Code.” - **Judge C**

“There’s no social development using death law wala din ano kasi parehong talo, you know what i mean. You caused injury to one ah sorry hindi mo sinunod yung batas, gumawa kayo ng kalokohan, karma ang isa nag cause injury sayo namatay ka. So yung mga ganing bagay yung ganong actions, there's no social development. So dapat i ano siya i repealed talaga.” [There is no social development using the death law since no one will benefit from it, you know what I mean. You cause injury to one, or you accidentally cause injury to another, you break the law. So with these actions, there’s no social development. It’s should really be repealed.] - **CHR Education and Training Committee**

“Yes, I think the article should be altered. Meaning modified — but we do not need to wait for other social developments to happen. We can have it repealed now if the senators are also inclined having it repealed and I’m sure some kind of lobby should be done so the congressmen and the senators are actuated or prompted to do it kase of course of some senators are not perfect somebody should be a representation of the proper or maybe the chairman of the committee of women and children of the senate and the house so they can start the poll.” - **Senate Legislative Parliamentary**

“In crafting a provision that criminalizes an act, you have to consider the present social condition. So the Revised Penal Code, should be revisited on a regular basis so that circumstance, the social circumstance prevailing should be considered in adjusting the penal provision under the Revised Penal Code.” - **Judge C.**

Obsolete laws are viewed as obstacles to the progress of society and citizens. Repealing archaic laws would result in a step in the development and movement for equality in the nation.

5.8.6 Step towards equality

“A lot (when the article gets repealed). When it comes to what can we benefit once article 247 in our legislation pagdating sa tinatawag na ano mga gender equality agenda diba mas mabibigyang ano kase di lamang ang kababaihan, kalalakihan pero still diba yung esence ng batas. Baka nga di lang siya ma repeal eh baka ma abolish pero repealed, Yung mga gender equality agenda ng bansa mas ma po promote. So ang magiging bahagi nito mas mapapalawig pa neto yung tinatawag na state obligation ng ating estado o ng ating gobyerno kung mare repeal ang 247, mas luluwag, magkakaroon ng other measures na naensure na ang mga kalalakihan at kababaihan ay napoprotektahan when article 247 be repealed” [When it comes to what can we benefit once the article 247 in our legislation is that when it comes to the gender equality, it will give men and women the essence of the law. If not repealed, maybe abolished. It will really help promote gender equality in the country. In this way, you can emphasize the state’s obligation. If we repeal the law, we will have wider measures to ensure equality among men and women when Article 247 be repealed] - **CHR Education and Training Division**

“We’ll have one less discriminatory provision in our legal system and of course, if we are looking at generation equality- gender equality, part of it should be to eliminate and to amend and to repeal all discriminatory laws in our legal system. We have to work

on changing attitudes, cultures and structures as well but it is also part of- it's a step towards achieving gender equality." - **OIC Center for Women and Children's Rights**

"I think it will promote the protection of equal policy, number one. Number 2 it will promote women liberation from a million years of persecution." - **Senate Legislative Parliamentary**

5.8.7 Evidence of a progressing society

"The thing is there is still a chance for some sort of injustices that is more humane and not barbaric like before." - **CHR Academic Research Head**

"It's not a big issue when husbands know their wives having affairs as before when it was a big, because the society has changed. I don't think parents kill the lovers of their daughters. Just doesn't happen anymore. So, the repeal is just a formality, because this is longer something that is done." - **Human Rights Lawyer and Expert**

"Maybe, maybe they will stop using the defense of the witnessing the sexual act of their partner or their spouse or their daughters for killing them." - **Congress Gender and Development**

"The significance of that is we will eliminate a weird provision, weird. That is a weird provision. It is only in the Philippines. Why is it that the Philippines is the only country that has that kind of law. If it is not weird, then what is it? For me, try to talk to a foreigner. What will they say? You guys are weird! Try it. It's really weird." - **Judge C.**

CODE	THEME	QUOTATION
SEGMENT TWO AND FOUR		
"How contemporaneously apt and just is Article 247 with the nation's current culture?"		
Essence of Law	Law is clothed with power	<p><i>"It's a regulation tool by the state." - CHR Academic Research Head</i></p> <p><i>"Dapat mayroon kang karaniwan pagsunod o 'di pagsunod na nakabatay doon sa sinabi nung batas" - CHR Education and Training Division</i></p> <p><i>"Setting order a way of promoting the welfare of the society, a way of protecting rights" - OIC Center for Women and Children's Rights</i></p>
Foundation of Law	Law is historically gendered and oppressive	<p><i>"Sometimes it is also able to perpetuate inequalities, and there are times that the law itself is also able to perpetuate inequalities and there's need to change the law so that it is quietly more just and more equal and we have seen that in the way that the law has treated marginalized groups of people, indigenous peoples, women, girls.</i></p> <p><i>If you look at how the law has treated women for this time in history, we'd see that the law does not recognize women as an equal before the law. So it only recognized men as those having the capacity to and act, to dispose of property, and women were seen as objects of the law. So in that sense, law is very much bias in its history and it is only through the engagement of many activists, women's human rights organizations and n, those working for the marginalized that the law itself was able to change in the same way that the Revised Penal</i></p>

		<p><i>Code is very very old law it has its own history. So you cannot look at the law as something that is outside of its context you cannot say that the law is up there, it's going to govern, it's gonna be just and fair.</i></p> <p><i>It has a colonial history. It is- we traced it from our Spanish occupants, and so we also know the moral code of the Spaniards. It's very patriarchal." -OIC Center for Women and Children's Rights</i></p>
<p>Structure of Law</p>	<p>Revised Penal Code incorporates retributive and restorative justice</p>	<p><i>"Criminilizes some actions." - CHR Academic Research Head</i></p> <p><i>"Identifying those who violate rules and making sure they rehabilitate that including punish where appropriate." - Human Rights Lawyer and Expert</i></p> <p><i>"Lists of offenses that could be against persons, against property, etcetera, and it's for the purpose of protecting the society and law functions that way" - OIC Center for Women and Children's Rights</i></p> <p><i>"So it has a function, and calls it sometimes "retribution" or punishment yung iba naman "restorative" so it could be — it could also help in a restorative aspect meaning to restore a convict to become normal, you know — be free again, be part of society later on. It also has a retributive aspect, meaning to punish the offender because under the theory of law that we have now, under the Revised Penal Code "men are conscious of their acts and if they violate the law, they should be made liable for it." so they should be penalized." - Senate Legislative and Parliamentary Counseling</i></p>
<p>Foundation of Law</p>	<p>Existing relationship of legal norms with other norms</p>	<p><i>"Pagkakaroon ng batas, were actually motivated by moral principles at saka ethical and religious obligations" - CHR Education and Training Division</i></p> <p><i>"You cannot look at a law in isolation from its context, political, economic, cultural and ah, what is being accepted as legislation by a particular society is reflective of what is acceptable for that particular society whereas for example, in the Philippines up to now, abortion is penalized and considered illegal. In other parts of the world, it's legal, so it's a view as well that shows us how moral concepts and precepts and religious concepts are actually impacting or affecting the kinds of law that are being passed. The reproductive health law looks at a basic right of a person, a woman especially to control her own body. It took three, almost three decades in the country to pass and only because of the resistance the- because of the religious resistance, and that is how we see that there are many ways that even if the law is supposed to be protected from other standards, moral or religious, most of the time it is always infused and influenced because the drafters of the law they have their own ideologies and this ideology</i></p>

		<p>often sees the kind of legislation that gets passed" - OIC Center for Women and Children's Rights</p> <p>" So, 'yon ang pagkakaiba pero most of the occasion that the law recognize yung moral, ethics, saka religious. For example, killing a person, so that is- pwede siyang maging homicide, murder or parricide. So, as far as the law is concerned, that is illegal. Pero as far as morality, the church, ethics is concerned, that is also prohibited." - Judge C.</p>
<p>Essence of Law</p>	<p>Legal norms have a binding power and an obligatory nature</p>	<p>"Siguro I am going to emphasize about legal norms, no? Contrast to moral ethical and religious ones, legal norms. It may have this coercion. It has the ability to regulate behavior. Kasi nga may compliance mechanism siya in place" - CHR Academic Research Head</p> <p>"Well, they're all norms means they're all mandates, but the legal norms is mandated by the State, religious norm is mandated by God or by the authorities that God has conferred that authority. Customary norm is mandated by custom, by society. Ano 'yung isa pa? — Ethical norms is mandated by yourself, your conscience. Their difference in their sources. Legal norms is on Law, Moral Norms based on conscience, Religious Norms is based on religion." - Human Rights Lawyer and Expert</p> <p>"Legal norms pagka there is a violation, the violation could be proceeded — actionable and the perpetrator could be proceeded against. Hindi katulad sa religious usually penance lang yan eh— penance. Moral edi ano, parang estrangement of other members of society but law can cause incarceration in some cases like in Article 247." - Senate Legislative Parliamentary</p>
<p>Foundation of Laws</p>	<p>Manifestation of morality in laws.</p>	<p>"Yes Siguro, on mine . . , ano – I think it's more of the time from would they catch up with one another? Halimbawa ang . . . there is an instance na in a particular time period, mas progressive yung legal norms kaysa moral norms, 'no? I cannot think of a law for example . . . medyo international, halimbawa; yung ground versus board of education sa US noon, noong time that was 1950's? The legal norm is dapat same school lang ang mga blacks and white students. Same facility, same school, same everything when it comes to education but noong time na 'yon . . . yung moral norms pa rin at least for so many Americans, segregation pa rin white and black student, so that's one, that's one example of legal norms still needing to catch up with the moral norms . . . halimbawa; discrimination, but more on sogyst, yung ating mga sexual orientation, gender identity expression . . the laws we still do not have legal norms that reflects the growing acceptance of these groups . . . so these things the time period, that</p>

		<p>can be these two are catching up with one another.” - CHR Academic Research Head</p> <p>“Ah, kung nag co-coincide ba? Nasa pagitan ako ng oo at hindi [laugh] oo, dahil . . . ano tama dito dahil ang batas mismo ay ginawa ng tao ay ano kung ano ang mga moralidad. Ayun ang pinaghuhugutan kung bakit nabuo ang mga batas na mayroon tayo ngayon . . . hindi kasi – hindi lahat ng moralidad ay dapat mai-batas, dahil not to the extent that we would . . . mas bigyan ng weight mas bigyan na for example, maparusahan ka for simple ano lang . . . though mayroong batas katulad ng loitering or pagdura, diba? Masasabi mo ba ikaw ay mapaparusahan na ikaw kamang ay dumura sa grass na maynakakita lamang sa’yo? Dapat ba ikaw ay maparusahan . . . there should be a law for that instance? So, nasa pagitan ako ng oo at hindi, pero most of laws were actually pressed actually on the idea of morality, diba? Yung general acceptance natin with morality . . . yung source kung bakit mayroon tayong batas, diba? Pero not more of our laws coincide with morality. Naiintindihan niyo? Most of our laws were not . . . sobrang ano dito . . . [chuckle] paano ba ‘to magagamit yung ano dito – so ayon most of the laws were actually ano . . . came from morality, not most of our laws ay pasok sa moralidad . . . diba? Katulad na lamang nitong 247. For example I’m looking into . . . morality, applicable with other persons, individuals, communities, lahat pare-pareho, diba? But laws, applicable in a certain ano lang with jurisdiction diba, for example; ang batas ng Pilipinas ay same with the laws with America, hindi most of our laws katulad ng meron si America at si America kay China at so on . . . pero when it comes to morality, fixed na pare pareho. May mga bagay na pare-pareho . . . may mga bagay na hindi, may mga moralidad across the globe. Yun yung voltaire, isa siyang naturalist; ito sabi niya [chuckle] sabi ni google, “through morality is universally acceptable morality that all sex are different, because they come from men and morality is everywhere the same because it comes from God laws were not actually across with some states. Kumbaga, yung sa sinasabi niya kanina, may mga batas tayo.” - CHR Education and Training Division</p> <p>“Yes, in most of the time they do. Moral norms are usually reflected in legal norms in the society.” - Human Rights Lawyer and Expert</p> <p>“When you say could or could not coincide, they could- they could what’s this they could be diverse but for me, it’s how one aspect actually influences another one. So you cannot say you cannot just separate them because more of the often times they are impacting on each other, and it depends on who holds the power and who creates the law. But definitely, for me, it’s clear that in many way- in many instances, moral codes moral precepts often get into the law and it often is to the detriment of those who are more vulnerable and marginalized because of these moral precepts that are supposedly separate.” - OIC Center for Women and Children’s Rights</p>
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		<p><i>"Ah yeah, at some point. Because there are laws which is based on our morals as like siguro we're gonna discuss the counterforce."</i>- Congress Gender and Development</p> <p><i>"Most legal provisions intersect with moral norms for example murder, murder is morally wrong also, it is legally wrong and morally wrong also but their are laws that do not have a moral component for example jaywalking or no parking law, *laughs lightly* there is no moral aspect to that kind of law but they usually coincide, in many many laws."</i> - Senate Legislative Parliamentary</p> <p><i>"Ayon nga, na-explain ko na 'yan. Coincide, 'no. May mga time na nag-co-coincide siya. For example, sa batas natin, 'pag Christmas-mukhang napunta- Ano 'yan? Moral pala 'yan, I'm sorry. 'Kala ko related-. Oh yung kanina, na-explain ko na na nag-co-coincide talaga 'yan. Maraming aspeto na- na ano siya- na 'yon nga- na parehas, 'no."</i> - Judge C.</p>
<p>Foundation of Laws</p>	<p>Perpetuates patriarchy</p>	<p><i>"Hindi na siya fair pero diba ang batas niya noon siguro pero hindi naman ito nabibigyan pansin kung bakit ano – so ayon, dahil nabibigyang pansin nga. Ito pa yung tawag na unfair na unfair itong mga batas na ito."</i> - CHR Education and Training Divison</p> <p><i>"But husbands think that they own the wife and their daughters. "</i> - Human Rights Lawyer and Expert</p> <p><i>"Because it has the different- it treats women and men differently....It views women and girls as properties of their men and excuses the violence and outburst of men to the detriment of women's access to justice. "</i> - OIC Center for Women and Children's Rights</p> <p><i>"Pag ginawa mo 'yan, the society will ano- will hate you. And that is the reason why the- kumbaga yung at that time that they crafted the rule on exceptional circumstance, that is acceptable to the society. Ang problema kasi, yung Revised Penal Code, 1932 'yan, panahon ng mga Amerikano 'yan eh. Eh yung mga Amerikano, may idea na dapat equal protection. Kaya they- that is the reason why that they extended the benefits to- of death under exceptional circumstance not only to the husband but also to the wife. That is the reason why yung husband was replaced by the word person. Yung ano- yung wife, spouse. 'No? Yung adulterio or adultery, sexual intercourse."</i> - Judge C.</p> <p><i>"In fact, it is very reflective of the bias in society bias because, it is favoring the perspective of men favoring their anger, favoring their-</i></p>

		<p><i>their perceived ownership over the women in their lives and giving excuses of it in the law that they can act violently if their egos are hurt." - OIC Center for Women and Children's Rights</i></p> <p><i>"No. Pero ito lang eh, in reality kasi mas- in reality, ang- ang- ito ha, sa society natin, tanong ninyo 'yon sa mga lalaki. 'Pag menor de edad yung anak nila, 'pag nakipag- may makipagsex diyan, gusto nilang patayin o bugbugin pero 'pag yung anak nila, sinusulsulan pa nila. Hmm, sigé." - Judge C.</i></p>
<p>Structure of Laws</p>	<p>Unequivocally sets gender discrimination and violence</p>	<p><i>"It is unfair because it discriminates against daughters." - Senate Legislative Parliamentary Service</i></p> <p><i>"No. Kung bakit- ay 'yon nga. Hindi natin- 'yon na nga, yung- na-explain ko na kanina 'yan na kumbaga, the killer should be penalized instead of being protected. Napaka-unfair 'yan do'n sa mga- do'n sa biktima saka relatives ng victim na pinatay yung anak mo tapos po-protektahan pa siya. Ano, bini-baby pa siya na pumatay na nga siya ng tao?</i></p> <p><i>I think the law is very explicit 'no? Its only on daughters at least . . . theorem 'no? The standards, ano talaga hindi equal or the fact of yun nga – mas victims ang large population of its victims are women, so if . . . both on how the law praised and the outcome of this law – hindi, men and women are equal." - Judge C</i></p> <p><i>"Specified and expressed. Walang gender equality kumbaga. Kung meron man, yung Article mismo, outdated. Even though add mo ang kalalakihan doon sa batas, using the "destierro shield" na yan eh wala rin, paatras lang. [There is no gender equality. If there is, the Article on its own, is outdated. Even though men are added on the law, with the destierro shield, it is nothing, it is only regressive." - CHR Eduation and Training Division</i></p> <p><i>"Precisely targeted pag babae lang eh, so maling mali yun." - Senate Legislative Parliamentary Service</i></p>
<p>Structure of Law</p>	<p>Article 247 of the Revised Penal Code is Archaic</p>	<p><i>"Uh well yun nga cause again look, may mga laws na tayo that are; that sees women and children as autonomous individuals, and not properties by anyone or anybody, so kung in terms of relevant, hindi na, not at all, kasi nga in light of policies that upholds dignity of women and children, itong article 247 nato, is no longer in sync with</i></p>

		<p>those legislations" - CHR Academic Research Head</p> <p><i>"Spanish term siya diba, so still, kasi ano yan eh, alam niyo naman, masyado pinoprotektahan kasi ang mga kalalakihan noong mga panahon na yon at hindi binibigyang pansin ang mga kababaihan, so di na siya relevant na rin actually ngayon. "</i> - CHR Education and Training Division</p> <p><i>"It's not relevant today because we are no longer feudal. We are in a modern society."</i> - Human Rights Lawyer and Expert</p> <p><i>"It's very outdated and it's very discriminatory against women and it's a remnant of our colonial past."</i> - OIC Center for Women and Children's Rights</p> <p><i>"Siguro not on the penalty, if it were somebody, it can be (inaudible) punishment, kaso if honor-based siguro if hindi natin (inaudible) pero yun nga (inaudible) if you think somebody i think irrelevant na for today."</i> - Congress Gender and Development</p> <p><i>"Societal norms kasi nag babago eh, now again kahit laws can be modified but it doesn't mean that it cannot be changed so uh in this question siguro kase parang ang question is for the perspective ng draft ng laws nayan eh. Siguro they were thinking na such norms are there to stay forever but you know again, reality is norms are shifting."</i> - CHR Academic Research Head</p> <p><i>"No rights, it's feudal, it's frozen in time."</i> - Human Rights Lawyer and Expert</p> <p><i>"Kasi yung 247 panahon pa ng ano yun eh i think mga 1930's pa to eh. Governor General pa namamahala sa Pilipinas so di napansin kasi sa dami ng batas hindi na napansin yung bagay na yon."</i> - CHR Education and Training Division</p> <p><i>"No. It is no longer in harmony because precisely it promotes violence and violence now is frowned upon the modern society. So there are other remedies for that kind of that kind of— in case it is perceived as some kind of violation or wrong. There are other remedies for this kind of activity or infringement."</i> - Senate Legislative Parliamentary Counseling</p>
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		<p><i>"Pero still hindi na siya angkop sa panahon ngayon diba at simple lang, ang batas na hindi nag discriminate against men, women and children should be abolished in the modern day at yung article nayon hindi na siya naano na sa panahon natin ngayon. It does not fall under the ano na."</i> - CHR Education and Training Division</p>
Essence of Law	It's relevance only lies in its need for repeal	<p><i>"I think it was designed [to withstand societal norms] because law is permanent. No. Because law should change with the times if the modern ideas— law should follow that otherwise it will not be helpful to the development of civilization and society."</i> - Senate Legislative Parliamentary Counseling</p> <p><i>"Kaya nga, yung- yung mga old case- ang pinakala- yung bata- pinaka-latest, mga old case lahat 'yan eh. Kasi nga, hindi na- bihira lang 'yon mahuli mo, papatayin mo. Baka bugbugin mo siguro, pwede. Pwede pa 'yon. Bugbugin. Suntok. Pero, kukuha ka ng kutsilyo, pagsasa-saksakin mo? Kasi kung- you're not- wala nang killer instinct, hindi mo gagawin 'yon. 'Di mo gagawin 'yon.</i></p> <p><i>Ito ha, mas- mas barbaric ang tao dati. Kaysa ngayon. Dati magkamali ka, saksakin ka. Kahit ako, yung nasa college ako dati, gano'n 'pag yung- may mga- may mga lahi. 'Di ko na babanggitin baka magalit sa'kin. Yung mga lahi, 'pag naka-away mo, saksakin ka."</i> - Judge C.</p>
<p>SEGMENT THREE AND FIVE</p> <p>"How does Article 247 pose repercussions on the rights of minor women?"</p>		
Inequality	Deprives the rights of daughters	<p><i>"What I don't like about article 247 is it gives the men in the lives of these women the right noh to act as supposedly in defense of this women and because of their act in case that they hurt thus, the person that should a woman is with or that her child actually then there will not be- the criminal liability is actually very low because it seems as if that the emotional outburst of the father or of the husband is being given much premium and it's being excused by the law that it's legitimate that you should feel that kind of anger and it's legitimate that you should feel that kind of desire to hurt and injure, and that in case that he is able to injure, hurt, kill the wife or the daughter then the law says that it is something that should be excused and for us- for me."</i> - CHR Education and Training Division</p> <p><i>"It violates yung freedom of the women and children expressing themselves because they have to maintain this standard of morality"</i></p> <p><i>Anyway, wait lang. If you are a woman, you have to set this standard</i></p>

		<p><i>of morality that you cannot have sex or its not proper to have sex with other man or other than your spouse,</i></p> <p><i>you cannot have it also before getting married. So, while these people thinks that a man should do these acts, its okay because they're man, it's manly for them, even at a young age."</i> - Congress Gender and Development</p> <p><i>"Offensive to the Equal Protection clause, yung especially the Daughter clause there because pag babae lang na bata yun lang pwede mag operate ng 247 pero kun lalake so parang 247 suggest that the parents can kill the daughter and sa 247 if the parent kills a son who is under 18 that would fall under the category of parricide as a crime, oh so parang the law allowed the parents the patria potestas to kill in case the circumstances fall under the Article 247 of the Revised Penal Code so the could appear to be violative of the Equal Protection Clause."</i> - Senate Legislative Parliamentary</p> <p><i>"It violates right to life, it violates safety, it violets even in the sense it also contradicts yung ating RA 9262 diba?"</i> - CHR Acadmic Research Head</p> <p><i>"Right to life, 'di ba, liberty or property, life to life without taking our life without due process of Law is not right in all circumstances."</i> - Human Rights Lawyer and Expert</p> <p><i>"Killing with impunity the killing of the daughter but also the spouses against each other , so it promotes violence" - Senate Legislative Parliamentary</i></p> <p><i>"Nakapatay ka ikaw pa prinotek-. Ako, I cannot- I cannot stomach this- this Article. Na- weirdo siya 'no. Hindi ko alam kung ano nang nangyari sa Congress.Ba't hindi sila maghanap ng bansa na merong ganito? Even in Spain where we derived this provision, wala na rin. Hindi ba kaabnormalan- hindi ba kaabnormalan 'yon? Papatayin mo yung anak mo?"</i> - Judge C.</p>
<p>Patriarchy</p>	<p>Perpetuates the idea that daughters are mere properties of parents</p>	<p><i>"The words – I mean, parang properties of parents. So ayon . . . and also parang ang children’s rights – what’s this . . . conditions on the rights of the child. They state that children, kids are autonomous individuals" - CHR Academic Research Head</i></p> <p><i>"Where women and children and daughters particularly were see as possessions as Fathers"- Human Rights Lawyer and Expert</i></p>

		<p><i>"Because there's a see- there's still the underlying value here is that men- is that women and girls." - OIC Center for Women and Children's Rights</i></p>
	<p>Penalty is not commensurate to the crime</p>	<p><i>"So, no for the fact wala taytong death penalty but in this case of article 247 ng RPC it allows the victims to be killed without due process, the penalty which is not equal to the crime committed. " - CHR Academic Research Head</i></p> <p><i>"Revised Penal Code was patterned after the Spanish Penal Code. The Spanish Penal Code was patterned after the French Penal Code...The social condition at that time is different...the benefits of death under exceptional circumstance is only available to the parents." - Judge C.</i></p> <p><i>"Killing is immoral and yet you will be protected? Ako, in my opinion, reducing the penalty is okay. In other countries, there are countries where the law considered yung killing uh- killing under the circumstance that you surprise your wife in the act of having sexual intercourse, that is a mitigating circumstance, meaning, the penalty will be reduced. But- but to protect the killer instead of penalizing him, despite of the fact that he committed something which is immoral and not fit, eh for obvious reason." - Judge C.</i></p> <p><i>"Tsaka, itong article 247 meron siyang complete cater na kung saan yung batas binibigyan niyan daan bigat o importansiya na tinatawag na tinatawag nating social constructed concept of honor, yun nga yung nabanggit ko kanina" - CHR Education and Training Division</i></p> <p><i>"If you still have judges and prosecutors and lawyers would think that men should have power over their women and girls, they will always say that she had it coming, and they will not sympathize with the woman who was a victim and who was killed because their moral concepts and precepts will be affecting the way that they handle the case. " OIC Center for Women and Children's Rights</i></p> <p><i>"That is just a protective measure which is designed to protect the acute from possible retaliation from the relatives of the victim" - Judge C.</i></p> <p><i>"So these are good examples of law and as for the article 247, no, it never falls under the definition kase na va violate especially yung views ng child ng kagaya ng right to survive development so nadidiscriminate din siya at hindi tine take into account yung kanyang best interest." - CHR Academic Research Head</i></p>

		<p><i>"Okay, sorry. I think law should not be punitive to minor women that's my — instead of penalizing them, they should be reformed by counselling or guidance, other penalties other than violent penalties."</i> - Senate Legislative Parliamentary</p> <p><i>"Ang prinotektahan niya yung- yung killer, hindi yung ano, hindi yung bata."</i> - Judge C.</p>
<p>Distinction of the law</p>	<p>Laws should not be gendered unless needed.</p>	<p><i>"The state should not discriminate against women, discriminate is to restrict, exclude, make distinctions in the enjoyment of Rights on the basis of sex or gender in the basis of sex and gender."</i> - OIC Center for Women and Children's Rights</p> <p><i>" .."men kasi sya" naglelead kasi honor nila. Although hindi kasi masyado tinatackle yung honor for women lalo na pag ganyan. "</i> - Congress Gender and Development</p> <p><i>"This should be abolish in our modern days because in a human rights perspective it disregards actually the fundamental principles like a human rights, moreover, the dure process in the article— it destroys the idea of due process"</i> - CHR Education and Training Division</p> <p><i>"You don't just look at what's- what to give to men you also give it to women what it requires is there should be or it should be guided by the principle of substantive equality. When you say substantive equality, it looks into the material to the differences of women and men and also addresses that kind of inequality.</i></p> <p><i>You do not- you do not pass a law that is gender neutral. You have to be very conscious that society is already unequal and you have to create means to address that inequality.And, that's the only way that you can effectively pass a law that protects the rights of women and girls because if you do not recognize that the situation is inequal already and you just passed measures that treat women and girls the same as you would treat other individuals then you are unable to address the structural inequality in society."</i> - OIC Center for Women and Children's Rights</p> <p><i>"It does not actually protect women and children."</i> - CHR Education and Training Division</p>

		<p><i>"You don't just look at what's- what to give to men you also give it to women what it requires is there should be or it should be guided by the principle of substantive equality. When you say substantive equality, it looks into the material to the differences of women and men and also addresses that kind of inequality.</i></p> <p><i>You do not- you do not pass a law that is gender neutral. You have to be very conscious that society is already unequal and you have to create means to address that inequality. And, that's the only way that you can effectively pass a law that protects the rights of women and girls because if you do not recognize that the situation is unequal already and you just passed measures that treat women and girls the same as you would treat other individuals then you are unable to address the structural inequality in society." - OIC Center for Women and Children's Rights</i></p> <p><i>"It does not actually protect women and children." - CHR Education and Training Division</i></p>
<p>Progress</p>	<p>Change in culture accordingly demands reformation of laws.</p>	<p><i>"We are not in the same culture as before, when tooth for a tooth; eye for an eye was the custom. We are now civilized people – and when it comes to moral norms it affects the morality of man. This article tolerates unforced remission among women, and the article is so outdated with its beliefs that daughters are merely properties of the parents. Therefore, the whole law must be repealed" - CHR Education and Training Committee</i></p> <p><i>"Well, to be honest, this is very little known to society 'di ba. It's such an archaic Law, sa totoo lang hindi naman ito generally, popularly known, but if it's popularly known it's very bad in terms of moral norms except allows this behavior, 'di ba. Nevertheless, it's still better to have it repealed" - Human Rights Lawyer and Expert</i></p> <p><i>"As I mentioned nga earlier, it affects stereotyping but in morality, I was thinking if intended to maintain the high standard of morality for women where you shouldn't do. It will just give reason or excuse to kill. You should maintain your loyalty, or faithfulness to your husband. And as daughters, you should protect the family surname, so you shouldn't do that until you get married. Since passed years ago the morality at that time is different from the moralities today." -</i></p>

		<p>Congress Gender and Developmen</p> <p><i>"In which I think it's the vice versa— the other way around. Becuase law follows morals. Reason why there is law because — kase diba in the beginning *laughs* maybe religion wala pa namang law so they talk about statutory we talk about the modern — the modern idea of law. Ang moral kase since the beginning na yan eh— sa Mesopotamia wala namang law nun eh meron moral norms to control behavior kase dati naman — wala pa namang law dati eh, it became — they begun writing law mga 2500 BC pero may mga religion na nun so I'm sure that there are moral norms already because it usually comes from divine being or something like that, that people believe. So na una ang moral norms that's why saken that's why moral norms affect the law and ofcourse the modern na affect na rin pero originally it was moral norms that affected the creation or even the caused the creation of law because they thought that moral norms could not be enforced. Di ba? Because statutory law is backed up with sanction by imprisonment, by incarceration, by fine– bayad. Di ba? Yan so thats my idea with." - Senate Legislative and Parliamentary</i></p>
	<p>Laws signify development or lack thereof.</p>	<p><i>"Hindi tino-touch ng ating legislature. It's a sign of underdevelopment, underdevelop ang ating lipunan once na hindi tino-touch ang mga ganitong pressingissues diba?" - CHR Education and Training Division</i></p> <p><i>" Laws have the power to affect the development of norms. First, you would see the relationship in that the moral norms in society affect the way and the kind of laws that are being drafted.." - OIC Center for Women and Children's Rights</i></p>
	<p>Constraint in adapting to the liberated and civil society is misaligned and oppressive.</p>	<p><i>"As if cheating is commensurate to killing as if it's having sex and you are young and you are still, a minor is also conventionally to inviting yourself to be injured by your own father.....Not only to amend laws that are discriminatory but also to change, harmful, cultural norms and stereotypes that discriminates against women. So there's a more bigger project of changing attitudes that are discriminating not only to women." - OIC Center for Women and Children's Rights</i></p> <p><i>"Because nga times are changing eh and the values are changing... because somehow medyo sad nga sya because of that but this is the reality eh." - Congress Gender and Development</i></p> <p><i>"It signals that we have not transcended the parang archaic age— stone age, parang stone age pa yun. This curtails oppression." -</i></p>

		<p>Senate Legislative Parliamentary</p> <p><i>"Yung present society ngayon, does not tolerate killing."</i> - Judge C.</p>
<p>Equality</p>	<p>Legislation should promote rights of minor women.</p>	<p><i>"There are 4 principles kase of children rights eh that is needed to be, that are needed integrated in every law. The principles of basic human rights, halimbawa the right to life, the right ro dignity."</i> - CHR Academic Research Head</p> <p><i>"A law should not discriminate any gender whether women or men."</i> - CHR Education and Training Division</p> <p><i>"But it should be a Law that keeps minor safe, safeguards minors."</i> - Human Rights Lawyer and Expert</p> <p><i>"Of course it does not fall under the definition, it does not protect the rights of women because it's discriminatory"</i> - OIC Center for Women and Children's Rights</p> <p><i>"So any law that is discriminatory against women should not be passed at all."</i> - OIC Center for Women and Children's Rights</p> <p><i>"You don't just look at what's- what to give to men you also give it to women what it requires is there should be or it should be guided by the principle of substantive equality."</i> - OIC Center for Women and Children's Rights</p> <p><i>"Ano even if its underage or in legal age we should empower them to recognize that they are part of the society and not just a woman."</i> - Congress Gender and Development</p> <p><i>"This doesn't. It doesn't safeguard, safeguarding is the keyword now. Minors should be safeguarded and this doesn't do that."</i> - Human Rights Lawyer and Expert</p> <p><i>"I think this article, theyre protecting the rights of the wife and daughter to be used or abused to prostitutions for other, because nowadays there are rampant people."</i> - Congress Gender and</p>

		Development
SEGMENT ONE AND SIX		
How should Article 247 be addressed in order to undertake the legal and societal quandary of Article 247?		
Collective participation	Advocating development through individual participation.	<p><i>"We contribute though indirectly through taxation and again, there is really no doubt that individuals are really influenced by the development of the locality"</i> - CHR Academic and Research Head</p> <p><i>"Anyone can make a change"</i> - CHR Education and Training Division</p> <p><i>"Oo naman. Through social media. (Of course. Through social media)"</i> - Judge C.</p>
	Engagement in collective movement to advance change.	<p><i>"So there's that power of the individual that I believe in but there's also the power of collective action because individually we can only do so much but collectively when we work together as an organization as a movement we can achieve better things and we can create structural changes in society"</i> - CHR Academic Head</p> <p><i>"No matter if you're just one person you can actually create a change...even if you're not politically inclined there are many ways that you can influence the development of your country by the things that you do, what you contribute to your community, to your family, to your society, to the institution you are in if you're in a school you can always create changes for better justice system, better way of life, better enjoyment of rights of individuals"</i>- OIC Center for Women and Children's Rights</p> <p><i>"An individual would want to like participate like not really for the whole city but on the specific community that one lives in. So it could be."</i> - Congress Gender and Development</p> <p><i>"Like for example health activities, educational activities, uh so— uh civic activities."</i> - Senate Legislative Parliamentary Service</p>
Authoritative Power	Authorities' vested obligation to champion change and development.	<i>"Citizens need to lobby authorities to do the right thing."</i> - Human Rights Lawyer and Expert

		<p><i>"We always have the government as duty bearers and the citizens as rights holders so it's the obligation of the state as a signatory to all the treaties" - OIC Center for Women and Children's Rights</i></p> <p><i>"Because they have the authority, they made the ordinances, or the policies in the cities but also the people who live in that community could also help the committee a better place because it should be a mutual work for the people" - Congress Gender and Development</i></p>
Collective Participation	Citizens' and authorities' shared responsibilities in community building.	<p><i>"So parang it's like the sight that these two, the citizens and authorities. There seem to be . . . they are interrelated, indivisible, and co-independent no? It is in a democratic society like ours." - CHR Education and Training Division</i></p> <p><i>"The responsibility, I think would lie in both because both completely complement the society, meaning they compose society." - Senate Legislative Parliamentary Service</i></p> <p><i>"So dapat 'yan, magtutulungan. Back up lang ang authorities eh. Back up lang 'yan eh." - Judge C.</i></p>
Essence of the Law	Article 247 should be repealed.	<p><i>"Yes. Repealed. Hindi altered, repealed. Because it violates women's and children's rights." - CHR Academic Research Division</i></p> <p><i>"Yes, oo"- CHR Education and Training</i></p> <p><i>"Repeal the article congress should repeal the article." - Human Rights Lawyer and Expert</i></p> <p><i>"Yes, of course because it is the obligation of the state. It should not be up to women's movements who have limited resources and NGOs who have limited resources to lobby for a particular measure. It should not be up to them to push for changes in the legislation. The government because it has the obligation and the CEDAW, it should already act. Andami- dami ng ating Congressman, Congresswomen ang daling magpasa ng batas for them and they should use their position to be able to change this discriminatory provision. So, if this study can help push legislatures to pass that kind of measure then no, that would be very helpful but right now BCW is already has a refer on this and it has been a long time that it has been recommended</i></p>

		<p>that it should be changed and definitely it is the obligation of the state to change it." - OIC Center for Women and Children's Rights</p> <p>"Yes, if it were drafted few weeks ago then this one should also be drafted accordingly." - Congress Gender and Development</p> <p>"I think the people of authority should address more measures. If you want to be more precise the senators and congressmen should enact these laws or even — certain provisions of the Revised Penal Code to make it more in line with the bill of rights which gives equal protection clause so people in the judiciary should interpret it kase the supreme court cannot change the law but it can change the quotation of that law. So in the best possible manner they can give it a more favourable or reflective of the Equal Protection Clause." - Senate Legislative Parliamentary Counseling</p> <p>"Congress should address this- should re-examine this provision. Oo. Kasi Congress- only Congress can do that. That is a matter of legislation so you have to either repeal or amend the Article 247 of the Revised Penal Code." - Judge C</p> <p>"Theres no social development using death law wala din ano kasi parehong talo, you know what i mean. Yung caused injury to one ah sorry hindi mo sinunod yung batas, gumawa kayo ng kalokohan, karma ang isa nag cause injury sayo namatay ka. So yung mga ganing bagay yung ganong actions, there's no social development. So dapat i ano siya i repealed talaga." - CHR Education and Training Committee</p> <p>"Yes, of course because it is the obligation of the state. It should not be up to women's movements who have limited resources and NGOs who have limited resources to lobby for a particular measure. It should not be up to them to push for changes in the legislation. The government because it has the obligation and the CEDAW, it should already act. Andami- dami ng ating Congressman, Congresswomen ang daling magpasa ng batas for them and they should use their position to be able to change this discriminatory provision. So, if this study can help push legislatures to pass that kind of measure then no, that would be very helpful but right now BCW is already has a refer on this and it has been a long time that it has been recommended</p>
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		<p>that it should be changed and definitely it is the obligation of the state to change it." - OIC Center for Women and Children's Rights</p> <p>"Yes I think the article should be altered. Meaning modified — but we do not need to wait for other social developments to happen. We can have it repealed now if the senators are also inclined having it repealed and I'm sure some kind of lobby should be done so the congressmen and the senators are actuated or parang prompted to do it kase of course of some senators are not perfect somebody should be a representation of the proper or maybe the chairman of the committee of women and children of the senate and the house so they can start the poll. " - Senate Legislative Parliamentary</p>
Equality	Step towards equality	<p>"Madami. When it comes to ano makakatulong once article 247 sa ating legislation pagdating sa tinatawag na ano mga gender equality agenda diba mas mabibigyang ano kase di lamang ang kababaihan, kalalakihan pero still diba yung esence ng batas. Baka nga di lang siya ma repeal eh baka ma abolish pero kung repealed, Yung mga gender equality agenda ng bansa mas ma po promote. So ang magiging bahagi nito mas mapapalawig pa neto yung tinatawag na state obligation ng ating estado o ng ating gobyerno kung mare repeal ang 247, mas luluwag, magkakaroon ng other measures na naensure na ang mga kalalakihan at kababaihan ay napoprotektahan when article 247 be repealed" - CHR Education and Training Division</p> <p>"We'll have one less discriminatory provision in our ano- in our legal system and of course if we are looking at generation equality- gender equality, part of it should be to eliminate and to amend and to repeal all discriminatory laws in our legal system. We have to work on changing attitudes, cultures and structures as well but it is also part of- it's a step towards achieving gender equality." - OIC Center for Women and Children's Rights</p> <p>"I think it will promote the protection of equal policy, number one. Number 2 it will promote women liberation from a million years of persecution." - Senate Legislative Parliamentary</p>
Liberation	Evidence of a progressing society	<p>" The thing is there is still a chance for some sort of injustices that is more humane and not barbaric like before. " - CHR Academic Research Head</p> <p>"It's not a big issue when husbands know their wives having affairs as before when it was a big 'di ba, because the society has changed. don't think parents kill, 'di ba the lovers of their daughters. Just doesn't happen anymore. So, the repeal is just a formality, because this is longer something that is done." - Human Rights Lawyer and</p>

		<p>Expert</p> <p><i>"Maybe, maybe they will stop using the defense of the witnessing the sexual act of their partner or their spouse or their daughters for killing them." - Congress Gender and Development</i></p> <p><i>"Eh, ang significance niyan is that we will eliminate weird ano-provision, weird. That is a weird provision. Kasi only in the Philippines eh. Bakit- bakit tayo lang merong ganyan? Kung 'di weird 'yan. You ano- try to talk to a foreigner. Ano sasabihin niya? Ang weird- ang weirdo niyo. Try niyo. Weird 'yan eh." - Judge C.</i></p>
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Table 2. Socio Legal Thematic Analysis

6. Analysis and Discussion

In the assessment of Article 247, the respondents have clearly pointed out that it is a reflection of a patriarchal society, and consequently attaches gender discrimination and violence. It has been furthered that the nature of the Article is linked to gender-based honor killing, entrenching a systematic imbalance of power and gender (Badr, 2022).

Its existence reinforces structures of gender oppression and the barbaric nature of individuals instigating fear. It also shapes inequality by propagating restrictive gender norms of minor daughters. To an extent, it is viewed to influence power relations in the familial sphere as it restricts minor daughters of their capacity to act. In the same light, it has placed young girls into a position of vulnerability inside of their very own homes as their mere relationship with their parents tolerates and allows the infliction of harm on them (Netter, 2009). Further, the apparent disfavoring gender classification is exhibited for there is a clear-cut selection that only daughters could be subject to the Article, and their paramour, placing a premium on the sexuality and virginity of women.

It has also been perceived that although parents would be acting under passion and obfuscation, it is deemed to be unjust and barbarous to legalize murder at the hands of an infuriated parent.

For its contemporaneous aptness, it is needless to say that the Article failed to reflect current societal norms. It was explicitly and repeatedly emphasized that the Philippine society no longer stands to be a feudal one, and nor does it find recourse in violence. Barbaric notions and instincts that are augmented by the Article are now disproved and vilified. Article 247 is prominent evidence of the remnants of Spanish colonization, which has been founded to have no place in the statute books of the Philippines and its society.

An immense repercussion posed on minor daughters is the deprivation of their life and liberty. Article 247 is a manifestation of honor-based violence that values honor more highly than minor daughters’ security and existence. It serves as an excuse for physical violence and in extreme circumstances, murder.

There is also a severe reinforcement that daughters are possessions of their parents. Reducing a woman’s worth in their sexual functions is a major impediment to societal progress (Szymanski, 2011). Additionally, it sends a problematic message that minor daughters should be seen and not heard, they should cover up, they should do what they are told, and they should be “ladies” (Montgomery, 2017). It levies a constraint on adapting to the more accepting, liberated, and civil society today.

In its necessity for repeal, legislators should take action in the efforts of repealing the discriminatory law. There are over 2.5 billion women who are directly affected by discriminatory laws (UN Women, 2022). The need for its repeal is for ensuring the rights and security of minor women from the damage it may bring in the future. Collective voices and individual advocacy could aid in pushing for the repeal, as the legislature and authorities perform their duty in examining archaic and oppressive laws.

7. Conclusion and Recommendations

7.1 Conclusion

The truth of Article 247, its legislative conformability, justness, and contemporaneous aptness, put into the microscope, has unpacked irregularities, discordant roots, and implications for Philippine society. The results of this study are products of new growth, societal progress, and cultural change.

The Article appears to be constitutionally dubious and questionable, as it is not in harmony with the rights provided for minor daughters in the 1987 Constitution. The Constitution does not operate independently of significant irrevocable changes and development in society. The article only stipulates a penalty of *destierro*, judicially ruled to serve as protection for the perpetrator, and not a punishment; it is then a *de facto* State-sponsored death penalty against disobedient minor daughters. It also appeared to be constitutionally impermissible due to the classification of daughters under the Equal Protection Clause, as its substantial distinction and duration are subject to review and criticism. However, the analysis remains to be an argument as it lacks *locus standi*.

Further, the Article does not comply with international treaties and conventions, which the Philippines is a signatory to, such as the United Nations Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. It also runs counter to recent efforts of the Legislative Branch set forth in Republic Act No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act, Republic Act No. 9262, or the Violence against Women and their Children Act, and Republic Act No. 9710 otherwise known as Magna Carta for Women. On top of that, it does not enforce the obligations of parents enshrined in the Family Code Article 220 (d) and (h).

Its legislative intention is vested upon the principle of *patria potestas*, where the father had the power of life and death over their children, which is no longer in sync with the rights attained by the forthwith civilized society and its present culture.

It was also understood to be a remnant of the barbaric and medieval past of the country which has been found to be archaic, inequitable, and unjust to the current state of the Commonwealth. It perpetuates patriarchy and unequivocally sets precedent for gender discrimination and violence, postulating that its only relevance lies in its repeal.

Article 247 poses repercussions on minor daughters as they deprive them of their right to security and liberty, as it objectifies them as mere properties and/or possessions of their parents. It is notable that the penalty is not commensurate to the crime being pertained in the Article. There is also an oppressive reinforcement of gender distinction.

It is then a common call to repeal Article 247. Honor legislation is then viewed to have no place in the statute books of the Philippines.

Liberty and quality of justice are threatened if there is no re-evaluation of existing laws, if there is resistance to the pace of progress, and if there is a failure to adapt to the dynamic nature of order. For the world does not stand still, as the law of life is nothing but change. A nation dwelling only on the past is bound to miss the future.

7.2 Recommendation

Based on the gathered legal data, resources, and information from experts in the interview, the researchers highly recommend that Article 247 of the Revised Penal Code be repealed. As mentioned, "*laws have ends to achieve.*" The essence of the law is to ensure an orderly and just society, promoting equality, respect, and dignity among persons. This article is constitutionally questionable as it disregards basic human rights, as well as international obligations and local legislations of the state in safeguarding women and children.

Article 247 of the Revised Penal Code is an example of an archaic law discriminating against women and children. Its essence is deeply rooted in the patriarchal society that favors men over women. It treats daughters and women as mere objects of man. Our society is no longer feudal. Legislators should prioritize the immediate undertaking to repeal Article 247 as this is inconsistent with the laws today. This law has detrimental effects on society and poses an existing and impending harm to women and children. Without its revocation, the lives of minor women will be at stake. Prioritizing this would help eliminate gender discrimination while promoting gender equality.

Statements and Declarations: We, the authors, hereby declare that the contribution is original, and is not under evaluation by another journal. All parts containing other studies have been properly referenced. Further, as the study involved the participation of individuals, no personal data was disclosed without obtaining their informed consent. Lastly, the authors declare no competing financial interest or non-financial interest that could have influenced the work reported in the paper.

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Over and above all of those, **we dedicate this to the young girls of today and of future generations.** You have inspired us to raise our voices today not to shout, but so that those without voices could be heard. This is for all of you.

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